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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200958
Party	Plaintiff Sweetgreen, Inc.
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Attachments	Sweetgreen v Sweet Leaf - Opposer Motion to Susp Disposition of Fed Lit - PART 1.pdf ( 61 pages )(1188062 bytes ) Sweetgreen v Sweet Leaf - Opposer Motion to Susp Disposition of Fed Lit - PART 2.pdf ( 53 pages )(835908 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Service Mark  
Application Serial No. 85/254,636  
Mark: SWEETLEAF  
Filing Date: March 1, 2011  
Publication date: August 2, 2011

SWEETGREEN, INC.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91200958
	)	
SWEET LEAF, INC.,	)	
	)	
Applicant.	)	

**OPPOSER’S MOTION TO SUSPEND PROCEEDING PENDING  
DISPOSITION OF FEDERAL LITIGATION AND MEMORANDUM IN SUPPORT**

Opposer Sweetgreen, Inc. (hereinafter “Opposer” or “Sweetgreen”), by and through the undersigned counsel, files this Motion to Suspend Proceeding Pending Disposition of Federal Litigation and Memorandum in Support, pursuant to 37 C.F.R. § 2.117(a) and TBMP § 510.02(a). For the reasons set out below, Opposer’s Notice of Opposition, which was filed August 2, 2011, should be suspended pending the outcome of a prior pending federal district court action.<sup>1</sup>

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<sup>1</sup> While the Trademark Trial and Appeal Board (“Board”) considers this Motion, Opposer respectfully requests that the Board suspend this Opposition Proceeding “with respect to all matters not germane to the motion” pursuant to 37 C.F.R. § 2.127(d).

## ARGUMENT

This Opposition Proceeding should be suspended pending the outcome of a federal district court action for trademark infringement, trade dress infringement, and unfair competition between these same parties and involving the identical claim in the United States District Court for the District of Columbia, Case No. 1:11-CV-00859 JDB (hereinafter “federal litigation” or “federal court action”) (*see* true and correct copy of Opposer’s Complaint, attached hereto as Exhibit A). Opposer, as Plaintiff, filed the federal court action on May 6, 2011 against Applicant Sweet Leaf, Inc. (hereinafter “Applicant”), as Defendant, and three individuals, Shifteh Matini, Arash Matini, and Arita Matini, who are also owners and officers of Applicant. Opposer then filed the Notice of Opposition on August 2, 2011 to preserve its rights during the pendency of the federal litigation, and brought the federal litigation to the attention of the Trademark Trial and Appeal Board (“Board”) in its Notice of Opposition, Para. 13.

“To the extent that a civil action in a [f]ederal district court involves issues in common with those in a proceeding before the Board, the decision of the [f]ederal district court is often binding upon the Board.” TBMP § 510.02(a). “[W]hile a decision by the District Court would be binding upon the [United States Patent and Trademark Office (“USPTO”)], a decision by the [Board] would only be advisory in respect to the disposition of the case pending in the District Court.” *Tokaido v. Honda Assocs. Inc.*, 179 U.S.P.Q. 861, 862 (T.T.A.B. 1973) (“notwithstanding the fact that the [USPTO] proceeding was the first to be filed, it is deemed to be the better policy to suspend proceedings herein until the civil suit has been finally concluded”) (citations omitted). *See also Whopper-Burger, Inc. v. Burger King Corp.*, 171 U.S.P.Q. 805, 807 (1971) (“The duty of this Court, as of every other judicial tribunal, is to decide actual controversies by a judgment which can be carried into effect, and not to give opinions

upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case before it.”) (quotation omitted). “The only question for determination . . . is whether the outcome of the civil action will have a bearing on the issues involved in the opposition proceeding.” *Other Tel. Co. v. Conn. Nat’l Tel. Co., Inc.*, 181 U.S.P.Q. 125, 126 (T.T.A.B. 1974), *petition denied*, 181 U.S.P.Q. 779 (Comm’r 1974). Here, the federal court action has been ongoing for three months and the final determination of that federal court action will have a bearing on the issues before the Board because both proceedings are between the same parties and involve the identical claim.

Specifically, the Notice of Opposition is based solely on the very same claim that Opposer has already alleged as its First Claim for Relief in the federal litigation: “Federal Trademark Infringement – 15 U.S.C. § 1114.” *See* Exhibit A, pp. 11-14. In the federal litigation, Opposer alleges in its First Claim that the SWEETLEAF Mark so resembles the SWEETGREEN Marks of Opposer in appearance, sound, meaning, and commercial impression that the use and registration thereof is likely to cause confusion, mistake, and deception as to the source or origin of Applicant’s services, and will injure and damage Opposer and the goodwill and reputation symbolized by the SWEETGREEN Marks of Opposer. *See* Exhibit A, Para. 47. Opposer also alleges in its First Claim that Applicant’s services offered under Applicant’s alleged SWEETLEAF Mark are so related to the goods and services offered under the SWEETGREEN Marks by Opposer that the public is likely to be confused, deceived, and to assume erroneously that Applicant’s services are those of Opposer or that Applicant is in some way connected with, licensed, or sponsored by or affiliated with Opposer, all to Opposer’s irreparable damage. *See* Exhibit A, Para. 48. Furthermore, in its First Claim Opposer alleges that likelihood of confusion is enhanced by the fact that (1) the SWEETGREEN Marks are

strong, well-known, and entitled to a broad scope of protection; (2) Applicant's alleged SWEETLEAF Mark and the SWEETGREEN Marks of Opposer both prominently incorporate the key component "SWEET" and because Applicant's services are closely related to Opposer's goods and services; and (3) the Parties market and will likely market their goods and services in the same or similar channels of trade. *See* Exhibit A, Paras. 49, 50, and 51.

In its Prayer for Relief in the federal litigation, Opposer seeks among other things an order that Applicant expressly abandon its United States Trademark Application Serial No. 85/254,636 for the SWEETLEAF Mark (the very same application at issue in this Opposition Proceeding), and never to re-file for any trademark incorporating the "SWEETLEAF" or the SWEETGREEN Marks. *See* Exhibit A, Para. A at p. 20. There can be no doubt then that the final resolution of the federal litigation will be dispositive of the issues in this Opposition Proceeding.

Opposer's Notice of Opposition asserts the exact same claim as has already been alleged by Opposer in the federal litigation. To proceed further with a claim in this forum would waste the resources of this agency, while the federal court is considering identical evidence and arguments on the exact same claim. For all these reasons, the Notice of Opposition should be suspended pending the outcome of the federal court action.

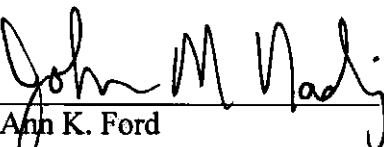
### **CONCLUSION**

For the reasons set forth herein, Opposer respectfully submits that it has established good cause for the suspension of this Opposition Proceeding and requests the granting of its Motion to Suspend Proceeding Pending Disposition of Federal Litigation.

Dated: August 3, 2011

Respectfully submitted,

DLA PIPER LLP (US)

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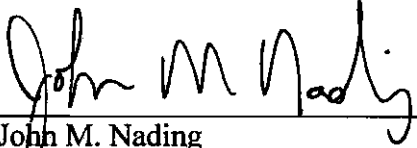
*Attorneys for Opposer Sweetgreen, Inc.*

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing **OPPOSER'S MOTION TO SUSPEND PROCEEDING PENDING DISPOSITION OF FEDERAL LITIGATION AND MEMORANDUM IN SUPPORT** was served via U.S. First Class mail, postage prepaid, and properly addressed to Applicant's counsel of record:

John S. Hale  
Gipple & Hale  
6665A Old Dominion Drive  
McLean, Virginia 22101-4508

this 3rd day of August, 2011.

  
\_\_\_\_\_  
John M. Nading  
*Attorney for Opposer*

# **EXHIBIT A**



**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**SWEETGREEN, INC., a Delaware  
Corporation, 1729 21st Street, N.W.,  
Washington, District of Columbia 20009,**

**Plaintiff,**

**v.**

**SWEET LEAF, INC., a Virginia Corporation,  
1359 Chain Bridge Road, McLean, Virginia  
22101; and SHIFTEH MATINI, an Individual,  
8416 Sparger Street, McLean, Virginia 22101;  
ARASH MATINI, an Individual, 8416  
Sparger Street, McLean, Virginia 22101; and  
ARITA MATINI, an Individual, 8416 Sparger  
Street, McLean, Virginia 22101,**

**Defendants.**

Case: 1:11-cv-00859  
Assigned To : Bates, John D.  
Assign. Date : 5/6/2011  
Description: General Civil.

**COMPLAINT**

Plaintiff Sweetgreen, Inc. ("Sweetgreen" or "Plaintiff"), by and through the undersigned counsel, hereby files this Complaint for Trademark Infringement and Unfair Competition against Defendants Sweet Leaf, Inc. ("Sweet Leaf"), Shifteh Matini ("Shifteh"), Arash Matini ("Arash"), and Arita Matini ("Arita") (Sweet Leaf, Shifteh, Arash, and Arita collectively "Defendants"), and avers as follows:

**THE PARTIES, JURISDICTION, AND VENUE**

1. Sweetgreen is a Delaware corporation located and doing business at 1729 21st Street, NW, Washington, D.C. 20009. Sweetgreen is a well-known, Washington, D.C.-based provider of food and restaurant services featuring fresh, casual cuisine including high-quality salads, wraps, and frozen yogurt under the SWEETGREEN Marks and distinctive trade dress.

2. Upon information and belief, Defendant Sweet Leaf is a Virginia corporation with a principal place of business at 1359 Chain Bridge Road, McLean, Virginia 22101, and also provides food and restaurant services in the Washington, D.C. metropolitan area featuring salads, sandwiches, and yogurt under the SWEETLEAF Mark.

3. Upon information and belief, Defendant Shiftch Matini is an individual with an address at 8416 Sparger Street, McLean, Virginia 22102, and is an owner, officer, and the President of, and registered agent for, Defendant Sweet Leaf.

4. Upon information and belief, Defendant Arash Matini is an individual with an address at 8416 Sparger Street, McLean, Virginia 22102, and is an owner and operating manager of Defendant Sweet Leaf.

5. Upon information and belief, Defendant Arita Matini is an individual with an address at 8416 Sparger Street, McLean, Virginia 22102, and is an owner and operating manager of Defendant Sweet Leaf.

6. This is an action for trademark infringement and unfair competition under the Federal Trademark Act of 1946, known as the Lanham Act, 15 U.S.C. § 1051, *et seq.*, unfair competition and unfair and deceptive trade practices under District of Columbia Consumer Protection Procedures Act, 28 D.C. Code § 3904(a), (b), and (s), and the common law of the District of Columbia.

7. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1337(a), 1338(a) and (b).

8. This Court has supplemental jurisdiction over the claims of Sweetgreen arising under the laws of the District of Columbia pursuant to 28 U.S.C. § 1367(a) because these claims

are so related to the claims of Sweetgreen under federal law that they form part of the same case or controversy and derive from a common nucleus of operative fact.

9. This Court has specific jurisdiction over the Defendants consistent with the principles underlying the United States Constitution and the District of Columbia because, among other things, Plaintiff's claims for trademark infringement and unfair competition arise from harm sustained in the District of Columbia. Furthermore, Defendants have engaged in purposeful affirmative activity within the District of Columbia by maintaining an interactive website that is targeted towards the District of Columbia's persons and entities, and regularly offering for sale their goods and services to District of Columbia's persons and entities. Therefore, Defendants are causing "tortious injury in the District of Columbia by an act or omission outside the District of Columbia" and transacting business in the District of Columbia pursuant to the District of Columbia long-arm statute, D.C. Code §§ 13-423(a)(1) and (4), 13-423(b).

10. This Court also has general jurisdiction over the Defendants consistent with the principles underlying the United States Constitution and the District of Columbia because, among other things, Defendants have engaged in continuous and systematic activity within the District of Columbia by maintaining an interactive website that is targeted towards the District of Columbia's persons and entities, and regularly offering for sale their goods and services to District of Columbia's persons and entities. Therefore, Defendants are doing business in the District of Columbia pursuant to D.C. Code §§ 13-334(a).

11. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and (c) because a substantial part of the events or omissions giving rise to the claim occurred in this District.

### **FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS**

12. Sweetgreen is a well-known provider of food and restaurant services in the Washington, D.C. metropolitan area featuring fresh, casual cuisine including high-quality salads, wraps, and frozen yogurt. In connection therewith, Sweetgreen uses in interstate commerce and owns the well-known and distinctive trademark "SWEETGREEN," including several United States trademark registrations and applications, a federally registered two-toned leaf design, and distinctive trade dress. Since August 2007, Sweetgreen has continuously used the SWEETGREEN Marks in interstate commerce.

13. Sweetgreen has duly and properly registered the SWEETGREEN Marks and leaf design in the United States Patent and Trademark Office ("USPTO") on the Principal Register.

14. Sweetgreen owns two federal trademark registrations for the SWEETGREEN Marks, with a date of first use at least as early as August 2007.

15. Sweetgreen filed its federal trademark application for the SWEETGREEN Mark for "restaurant services and catering services" in International Class 43, on March 7, 2007, with a claimed date of first use of August 1, 2007. This application issued on June 24, 2008 as Registration No. 3,454,783. A true and correct copy of United States Trademark Registration No. 3,454,783 is attached hereto as Exhibit A.

16. Sweetgreen filed its federal trademark application for the SWEETGREEN & Design Mark (the "Two-Toned Leaf Design") for "retail store services primarily featuring salads, sandwiches and frozen yogurt" in International Class 35 and "restaurant services and catering services; restaurant and take-out restaurant services primarily featuring salads, sandwiches and frozen yogurt; catering services primarily featuring salads, sandwiches and frozen yogurt" in International Class 43, on September 9, 2009, with a claimed date of first use

of August 1, 2007. This application issued on October 12, 2010 as Registration No. 3,859,178. A true and correct copy of United States Trademark Registration No. 3,859,178 is attached hereto as Exhibit B.

17. The federal trademark registrations referenced above and attached hereto as Exhibits A and B are valid and subsisting, and provide conclusive evidence of the right of Sweetgreen to use the SWEETGREEN Marks in commerce.

18. Sweetgreen filed its federal trademark application for the SWEETGREEN Mark for "canvas shopping bags; all-purpose reusable carrying bags" in International Class 18, on September 18, 2009. This application was assigned Serial No. 77/829,444, and a Notice of Allowance issued on August 10, 2010. A true and correct copy of TARR and TESS printouts from the official website of the USPTO for United States Trademark Application Serial No. 77/829,444 is attached hereto as Exhibit C.

19. Sweetgreen filed its federal trademark application for the SWEETGREEN Mark for "salad bowls, bowls, water bottles sold empty" in International Class 21, on September 18, 2009. This application was assigned Serial No. 77/829,447, and a Notice of Allowance issued on August 10, 2010. A true and correct copy of TARR and TESS printouts from the official website of the USPTO for United States Trademark Application Serial No. 77/829,447 is attached hereto as Exhibit D.

20. Sweetgreen filed its federal trademark application for the SWEETGREEN Mark for "clothing, namely shirts and t-shirts sold as promotional items" in International Class 25, on September 18, 2009. This application was assigned Serial No. 77/829,450, and a Notice of Allowance issued on August 10, 2010. A true and correct copy of TARR and TESS printouts

from the official website of the USPTO for United States Trademark Application Serial No. 77/829,450 is attached hereto as Exhibit E.

21. Sweetgreen filed its federal trademark application for the SWEETGREEN Mark for “edible oils; olive oil” in International Class 29 on September 18, 2009. This application was assigned Serial No. 77/829,451, and a Notice of Allowance issued on August 10, 2010. A true and correct copy of TARR and TESS printouts from the official website of the USPTO for United States Trademark Application Serial No. 77/829,451 is attached hereto as Exhibit F.

22. Sweetgreen filed its federal trademark application for the SWEETGREEN Mark for “granola-based snack bars; grain-based food bars also containing soy, dried fruits, chocolate, nuts” in International Class 30 on May 20, 2010. This application was assigned Serial No. 85/043,748, and a Notice of Allowance issued on December 28, 2010. A true and correct copy of TARR and TESS printouts from the official website of the USPTO for United States Trademark Application Serial No. 85/043,748 is attached hereto as Exhibit G.

23. Sweetgreen filed its federal trademark application for the SWEETGREEN Mark for “charitable fundraising services, namely, organizing and conducting fundraising events to raise money and awareness for socially progressive causes related to the environment, nutrition, diet, youth activities and health, and general healthy living” in International Class 36 on July 12, 2010. This application was assigned Serial No. 85/082,284, and a Notice of Allowance issued on December 28, 2010. A true and correct copy of TARR and TESS printouts from the official website of the USPTO for United States Trademark Application Serial No. 85/082,284 is attached hereto as Exhibit H.

24. Sweetgreen filed its federal trademark application for the stylized SWEETGREEN Mark for “edible oils; olive oil” in International Class 29 on June 1, 2010. This

application was assigned Serial No. 85/052,034, and a Notice of Allowance issued on December 28, 2010. A true and correct copy of TARR and TESS printouts from the official website of the USPTO for United States Trademark Application Serial No. 85/052,034 is attached hereto as Exhibit I.

25. Sweetgreen offers food and restaurant services, and related goods and services (the "Sweetgreen Goods & Services") under its marks SWEETGREEN (Reg. No. 3,454,783), SWEETGREEN & Design (Reg. No. 3,859,178), SWEETGREEN (App. No. 77/829,444), SWEETGREEN (App. No. 77/829,447), SWEETGREEN (App. No. 77/829,450), SWEETGREEN (App. No. 77/829,451), SWEETGREEN (App. No. 85/043,748), SWEETGREEN (App. No. 85/082,284), and SWEETGREEN Stylized (App. No. 85/052,034) (the "SWEETGREEN Marks").

26. The SWEETGREEN Marks clearly establish that Sweetgreen has senior trademark rights in its family of SWEETGREEN Marks and consequently there is no question of priority of rights, as such priority clearly belongs to Sweetgreen.

27. Sweetgreen has extensively used the SWEETGREEN Marks and has advertised, promoted, and offered the Sweetgreen Goods & Services under the SWEETGREEN Marks in interstate commerce through various channels of trade. As a result, the customers and potential customers of Sweetgreen, and the public in general have come to know and recognize the SWEETGREEN Marks as identifying the Sweetgreen Goods & Services as goods and services of the highest quality offered by Sweetgreen, and associate the SWEETGREEN Marks with the Sweetgreen Goods & Services. Sweetgreen has thus built up extensive and invaluable goodwill in connection with the sale of its goods and services offered under its SWEETGREEN Marks.

28. Sweetgreen has offered and sold its Sweetgreen Goods & Services at its eight retail locations in the Washington, D.C. metropolitan area and Philadelphia under the SWEETGREEN Marks utilizing the Sweetgreen trade dress. Sweetgreen's restaurants have award winning décor and an operational simplicity which create a chic atmosphere and unique dining experience. Each of the Sweetgreen retail locations uses the distinctive two-toned lime green and hunter-green colors and the distinctive pine wood grain ("Sweetgreen Trade Dress").

29. Sweetgreen is the owner of the domain name <sweetgreen.com>.

30. Notwithstanding Sweetgreen's exclusive and prior rights in and to the SWEETGREEN Marks, and after 2008, the earliest federal trademark registration date for the SWEETGREEN Marks, Defendants adopted and began using the trademark SWEETLEAF and two-toned leaf design in connection with food and restaurant services (the "Defendants Goods & Services").

31. The Defendants Goods & Services are in direct competition with the Sweetgreen Goods & Services.

32. Defendants' use of the alleged SWEETLEAF Mark is nearly identical to and confusingly similar to Sweetgreen's SWEETGREEN Marks in appearance, sound, meaning, and commercial impression.

33. Defendants' use of the alleged two-toned leaf design is nearly identical to and confusingly similar to Sweetgreen's Two-Toned Leaf Design in appearance and commercial impression.

34. Defendants' use of the alleged trade dress is nearly identical to and confusingly similar to the Sweetgreen Trade Dress in appearance and commercial impression.



35. Defendants' use of the alleged SWEETLEAF Mark, two-toned leaf design, and trade dress (collectively, the "SWEETLEAF Marks") trades off the goodwill of Sweetgreen's SWEETGREEN Marks, Two-Toned Leaf Design, and trade dress (collectively, the "SWEETGREEN Marks"), and is without permission or license from Sweetgreen.

36. Defendants advertise their goods and services in commerce using the alleged SWEETLEAF Marks, which are nearly identical to and confusingly similar to the SWEETGREEN Marks of Sweetgreen. Both Parties utilize the same or similar channels of trade.

37. Upon information and belief, Defendants registered the domain name <eatsweetleaf.com> on March 19, 2009, long after Sweetgreen commenced use of the SWEETGREEN Marks in the United States and after Sweetgreen acquired the above-referenced federal trademark registrations. Defendants use the domain name <eatsweetleaf.com> to advertise their goods and services in commerce under the alleged SWEETLEAF Mark. A true and correct copy of screen-shots from the website at the domain name <eatsweetleaf.com> is attached hereto as Exhibit J.

38. Defendants' website at the domain name <eatsweetleaf.com> was at one time virtually identical to Sweetgreen's website at the domain name <sweetgreen.com>. See printouts of the website <eatsweetleaf.com>, dated June 17, 2009, and compare to printouts of the website <sweetgreen.com>, also dated June 17, 2009, attached hereto as Exhibits K and L, respectively. Upon information and belief, Exhibits K and L were prepared by Sweetgreen's prior counsel.

39. Prior to Sweetgreen's filing of the Complaint in this action, Sweetgreen made a good faith effort to resolve this matter amicably. Defendants led Sweetgreen to believe that the Parties might be able to reach an agreement. Nevertheless, as has become recently apparent,

Defendants have no intention of resolving this matter amicably, but instead, have been moving forward with opening a second location in Vienna, Virginia and, upon information and belief, are surveying for a location for a possible future store in the District of Columbia. Moreover, Defendant Sweet Leaf very recently filed a trademark application at the United States Patent and Trademark Office seeking to register the mark SWEETLEAF. As a result, Sweetgreen has had no choice but to commence this action.

40. On March 1, 2011, Defendant Sweet Leaf filed a use-based trademark application under Section 1(a) of the Lanham Act, 15 U.S.C. § 1051(a), with the United States Patent and Trademark Office for registration of the service mark SWEETLEAF (the "SWEETLEAF Application"). The SWEETLEAF Application was assigned Serial No. 85/254,636. Sweetgreen's federal registrations for the SWEETGREEN Marks issued as early as June 24, 2008, with a date of first use at least as early as August 2007; therefore, there is no issue as to priority as Sweetgreen has prior rights. A true and correct copy of TARR and TESS printouts from the official website of the USPTO for United States Trademark Application Serial No. 85/254,636 is attached hereto as Exhibit M.

41. Upon information and belief, Defendants use and intend to use the alleged SWEETLEAF Marks without the authorization of Sweetgreen, thereby confusing consumers as to the source of the goods and services and resulting in damage and detriment to Sweetgreen and its reputation and goodwill.

42. Upon information and belief, Defendants knew or had reason to know of the SWEETGREEN Marks of Sweetgreen at the time Defendants commenced use of their alleged SWEETLEAF Marks.

43. Upon information and belief, Defendants intentionally adopted and use the SWEETLEAF Marks so as to create consumer confusion and traffic off Sweetgreen's reputation and goodwill under the SWEETGREEN Marks.

44. Sweetgreen is aware of multiple instances of actual consumer confusion.

45. Sweetgreen has used its SWEETGREEN Marks continuously on or in connection with the Sweetgreen Goods & Services in interstate commerce prior to the date Defendants commenced use of their alleged SWEETLEAF Marks.

**FIRST CLAIM FOR RELIEF**  
**(Federal Trademark Infringement – 15 U.S.C. § 1114)**

46. Sweetgreen repeats and realleges each and every allegation contained in Paragraphs 1 through 45 above, as if set forth herein in full.

47. Defendants' alleged SWEETLEAF Marks so resembles the SWEETGREEN Marks of Sweetgreen in appearance, sound, meaning, and commercial impression that the use and registration thereof is likely to cause confusion, mistake, and deception as to the source or origin of the Defendants Goods & Services, and will injure and damage Sweetgreen and the goodwill and reputation symbolized by the SWEETGREEN Marks of Sweetgreen.

48. The Defendants Goods & Services offered under Defendants' alleged SWEETLEAF Marks are so related to the goods and services offered under the SWEETGREEN Marks by Sweetgreen that the public is likely to be confused, deceived, and to assume erroneously that the Defendants Goods & Services are those of Sweetgreen or that Defendants are in some way connected with, licensed, or sponsored by or affiliated with Sweetgreen, all to Sweetgreen's irreparable damage.

49. Likelihood of confusion is enhanced by the fact that the SWEETGREEN Marks are strong, well-known, and entitled to a broad scope of protection.

50. Likelihood of confusion is also enhanced by the fact that Defendants' alleged SWEETLEAF Marks and the SWEETGREEN Marks of Sweetgreen both prominently incorporate the key component "SWEET" and because the Defendants Goods & Services are closely related to the Sweetgreen Goods & Services.

51. Likelihood of confusion is further enhanced by the fact that the Parties market and will likely market their goods and services in the same or similar channels of trade.

52. Defendants are not affiliated or connected with Sweetgreen and have not been endorsed or sponsored by Sweetgreen, nor has Sweetgreen approved any of the Defendants Goods & Services offered or sold or intended to be sold by Defendants under their alleged SWEETLEAF Marks.

53. Defendants have never sought or obtained the permission of Sweetgreen to use the alleged SWEETLEAF Marks, nor has Sweetgreen approved any of the Defendants Goods & Services offered under Defendants' alleged SWEETLEAF Marks.

54. Sweetgreen's United States Trademark Registrations identified above provide, at the very least, constructive notice to Defendants of the rights of Sweetgreen in and to the SWEETGREEN Marks.

55. The use by Defendants of the alleged SWEETLEAF Marks in connection with the Defendants Goods & Services is likely to cause confusion, mistake, or deception of consumers as to the source of origin or sponsorship of the services, in violation of the Lanham Act, including but not limited to 15 U.S.C. § 1114.

56. Consumers are likely to purchase or engage the Defendants Goods & Services being offered under the alleged SWEETLEAF Marks believing them to be those of Sweetgreen, thereby resulting in a loss of goodwill and economic harm to Sweetgreen.

57. Sweetgreen is informed and believes and on that basis alleges that Defendants have derived unlawful gains and profits from its infringing use of the alleged SWEETLEAF Marks.

58. Sweetgreen is aware of multiple instances of actual consumer confusion.

59. Upon information and belief, Defendants intentionally adopted and use the SWEETLEAF Marks so as to create consumer confusion and traffic off Sweetgreen's reputation and goodwill under the SWEETGREEN Marks.

60. The goodwill of Sweetgreen's business under the SWEETGREEN Marks is of great value, and Sweetgreen will suffer irreparable harm should Defendants' infringement be allowed to continue to the detriment of the trade reputation and goodwill of Sweetgreen for which damage Sweetgreen cannot be adequately compensated at law.

61. Sweetgreen has no control over the quality of the goods and services offered by Defendants. Thus, the value of the SWEETGREEN Marks of Sweetgreen is subject to damage and dilution by an entity and individuals it cannot control.

62. Unless enjoined by this Court from so doing, Defendants will continue to engage in its acts of infringement, to the irreparable damage and injury of Sweetgreen.

63. Upon information and belief, Defendants have engaged in acts of infringement, with knowledge of Sweetgreen's exclusive rights to the SWEETGREEN Marks in connection with the Sweetgreen Goods & Services, and Defendants continue in such acts of intentional infringement, thus entitling Sweetgreen to an award of treble its actual damages, Defendants'

profits, plus attorneys' fees and costs in bringing and maintaining this action, pursuant to Section 35(b) of the Lanham Act, 15 U.S.C. § 1117(b).

**SECOND CLAIM FOR RELIEF**  
**(Federal Unfair Competition and False Designation of Origin and**  
**False and Misleading Representations – 15 U.S.C. § 1125(a))**

64. Sweetgreen repeats and realleges each and every allegation contained in Paragraphs 1 through 63 above, as if set forth herein in full.

65. Defendants' use of the alleged SWEETLEAF Marks constitutes unfair competition and a false designation of origin or false or misleading description or representation of fact, which is likely to deceive customers and prospective customers into believing that the Defendants Goods & Services offered for sale under Defendants' alleged SWEETLEAF Marks are those of Sweetgreen in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

66. Defendants' actions cause or are likely to cause confusion or mistake among the public as to the true origin and sponsorship of the Defendants Goods & Services offered for sale under Defendants' alleged SWEETLEAF Marks, and to confuse the public into believing that the Defendants Goods & Services have the approval of Sweetgreen, or are otherwise affiliated, connected, associated with, or sponsored by Sweetgreen, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

67. Sweetgreen has no control over the nature and quality of the Defendants Goods & Services offered for sale under Defendants' alleged SWEETLEAF Marks. Any failure, neglect, or default of Defendants in providing goods and services will reflect adversely on Sweetgreen.

68. Sweetgreen is informed and believes and on that basis alleges that Defendants have derived unlawful gains and profits from its infringement of the SWEETGREEN Marks.

69. The goodwill of Sweetgreen's business under the SWEETGREEN Marks is of great value, and Sweetgreen will suffer irreparable harm should Defendants' acts of unfair competition, and false representation and designations, be allowed to continue, to the detriment of the trade reputation and goodwill of Sweetgreen for which damage Sweetgreen cannot be adequately compensated at law.

70. Sweetgreen has no control over the quality of the goods and services offered by Defendants. Thus, the value of the SWEETGREEN Marks of Sweetgreen is subject to damage and dilution by an entity and individuals it cannot control. Unless enjoined by this Court from so doing, Defendants will continue to engage in acts of unfair competition, false representation and designation, to the irreparable damage and injury of Sweetgreen.

71. Upon information and belief, from the outset, Defendants have engaged in acts of unfair competition, false representation and designation, with knowledge of the exclusive rights of Sweetgreen to the SWEETGREEN Marks in connection with the closely related goods and services, and Defendants continue in such acts of unfair competition, intentional false representation and designation, thus entitling Sweetgreen to an award of its actual damages, Defendants' profits, plus attorneys' fees and costs in bringing and maintaining this action, pursuant to Section 35(a) of the Lanham Act, 15 U.S.C. § 1117(a).

**THIRD CLAIM FOR RELIEF**  
**(Federal Trade Dress Infringement – 15 U.S.C. § 1125(a))**

72. Sweetgreen repeats and realleges each and every allegation contained in Paragraphs 1 through 71 above, as if set forth herein in full.

73. Since August 2007, Sweetgreen has utilized and marketed its Sweetgreen Trade Dress. Upon information and belief, the unique, arbitrary and non-functional features of the

Sweetgreen Trade Dress have taken on secondary meaning in the minds of consumers and resulted in a belief that the Sweetgreen Trade Dress has a single source of origin.

74. Defendants' alleged trade dress so resembles the Sweetgreen Trade Dress in appearance and commercial impression and, thus, is likely to cause confusion, mistake, and deception as to the source of origin of Defendants Goods & Services, and will injure and damage Sweetgreen and the goodwill and reputation symbolized by the Sweetgreen Trade Dress in the marketplace.

75. Upon information and belief, Defendants were aware of the Sweetgreen Trade Dress,

76. Upon information and belief, from the outset, Defendants have engaged in acts of trade dress infringement, with knowledge of the exclusive rights of Sweetgreen to the Sweetgreen Trade Dress in connection with the closely related goods and services, and Defendants continue in such acts of trade dress infringement, thus entitling Sweetgreen to an award of its actual damages, Defendants' profits, plus attorneys' fees and costs in bringing and maintaining this action, pursuant to Section 35(a) of the Lanham Act, 15 U.S.C. § 1117(a).

#### **FOURTH CLAIM FOR RELIEF**

##### **(District of Columbia Statutory Unfair Competition – 28 D.C. Code § 3904(a), (b), and (s))**

77. Sweetgreen repeats and realleges each and every allegation contained in Paragraphs 1 through 76 above, as if set forth herein in full.

78. Defendants' use of the alleged SWEETLEAF Marks constitutes unfair competition in violation of the District of Columbia Consumer Protection Procedures Act, 28 D.C. Code §3904(a), (b), and (s), as such acts are likely to mislead and deceive customers and prospective customers into believing that the Defendants Goods & Services are those of



Sweetgreen.

79. Defendants' actions are likely to cause confusion or mistake among the public and create material misrepresentations as to the true origin and sponsorship of the Defendants Goods & Services and to confuse and mislead the public into believing that the Defendants Goods & Services have the approval of Sweetgreen and/or that those goods and services have been passed off as those of Sweetgreen in violation of the District of Columbia Consumer Protection Procedures Act, 28 D.C. Code §3904(a), (b) and (s).

80. Sweetgreen has no control over the nature and quality of the Defendants Goods & Services. Customers, believing Sweetgreen to be the source of such goods and services, are likely to blame Sweetgreen for any failure, neglect or default of Defendants in providing quality goods and services, hampering efforts by Sweetgreen to continue to protect its outstanding reputation for the Sweetgreen Goods & Services. Defendants' wrongful conduct is likely to deceive the consuming public and to result in a loss of sales for Sweetgreen, all to the irreparable harm of Sweetgreen and the public.

81. Unless enjoined by this Court from so doing, Defendants will continue their conduct of passing off and engaging in acts of unfair competition, to the irreparable damage and injury of Sweetgreen.

82. Sweetgreen is informed and believes and on that basis alleges that Defendants have derived unlawful gains and profits from its acts of unfair competition, as alleged above, and has caused loss, injury and damage to Sweetgreen, its goodwill and the SWEETGREEN Marks, in an amount as yet unknown but to be proven at trial.

**FIFTH CLAIM FOR RELIEF**  
**(Trademark Infringement and Unfair Competition**  
**Under District of Columbia Common Law)**

83. Sweetgreen repeats and realleges each and every allegation contained in Paragraphs 1 through 82 above, as if set forth herein in full.

84. Sweetgreen owns and enjoys common law rights in the District of Columbia and elsewhere in the United States in and to the SWEETGREEN Marks for the Sweetgreen Goods & Services.

85. Defendants have traded off and misappropriated the reputation and valuable goodwill of the SWEETGREEN Marks of Sweetgreen in the District of Columbia and acted in a manner that has created and will continue to create a likelihood of confusion and mistake as to the source of the Defendants Goods & Services. Defendants' acts are likely to lead the public to believe mistakenly that the Defendants Goods & Services are in some way associated with, or sponsored by Sweetgreen, to the detriment of Sweetgreen. Defendants' activities constitute unfair competition, misappropriation of the goodwill of Sweetgreen, and palming off.

86. Unless enjoined by this Court from so doing, Defendants will continue their conduct of passing off and engaging in acts of unfair competition, to the irreparable damage and injury of Sweetgreen.

87. Sweetgreen is informed and believes and on that basis alleges that Defendants have derived unlawful gains and profits from its unlawful acts, as alleged above, and has caused loss, injury, and damage to Sweetgreen, its goodwill, and the SWEETGREEN Marks, in an amount as yet unknown but to be proven at trial.

**SIXTH CLAIM FOR RELIEF**  
**(Accounting)**

88. Sweetgreen repeats and realleges each and every allegation contained in Paragraphs 1 through 87 above, as if set forth herein in full.

89. Sweetgreen is entitled, pursuant to 15 U.S.C. § 1117, to recover any and all profits of Defendants that are attributable to the acts of infringement and unfair competition.

90. Sweetgreen is entitled, pursuant to 15 U.S.C. § 1117, to actual damages or statutory damages sustained by virtue of Defendants' acts of infringement and unfair competition.

91. The amount of money due from Defendants to Sweetgreen is unknown to Sweetgreen and cannot be ascertained without a detailed accounting by Defendants of the precise revenues received under Defendants' alleged SWEETLEAF Marks.

**ALLEGATION OF DAMAGE COMMON TO ALL CLAIMS FOR RELIEF**

92. Sweetgreen repeats and realleges each and every allegation contained in Paragraphs 1 through 91 above, as if set forth herein in full.

93. Sweetgreen has suffered, is suffering, and will continue to suffer irreparable harm and damage as a result of Defendants' wrongful conduct. Defendants will, unless restrained and enjoined, continue to act in the unlawful manner complained of herein, all to the irreparable damage of the business and reputation of Sweetgreen. Sweetgreen's remedy at law is not adequate to compensate it for the injuries suffered and threatened.

**PRAYER FOR RELIEF**

WHEREFORE, Sweetgreen respectfully prays the Court:

A. Order Defendants to abandon expressly United States Trademark Application Serial No. 85/254,636 for the SWEETLEAF Mark, and never to re-file for any trademark incorporating the "SWEETLEAF" or the SWEETGREEN Marks;

B. Enter a judgment against Defendants that Defendants have willfully infringed the registered trademark rights of Sweetgreen in the SWEETGREEN Marks under 15 U.S.C. § 1114;

C. Enter a judgment against Defendants that Defendants have committed and are committing acts of trademark infringement in violation of the rights of Sweetgreen under 15 U.S.C. § 1114;

D. Enter a judgment against Defendants that Defendants have committed and are committing acts of false designation of origin, false or misleading description of fact, or false or misleading representation in violation of the rights of Sweetgreen under 15 U.S.C. § 1125(a);

E. Enter a judgment against Defendants that Defendants have infringed Sweetgreen's trade dress rights in violation of 15 U.S.C. § 1125(a);

F. Enter a judgment against Defendants that Defendants have engaged in unfair competition in violation of the District of Columbia statutory and common law;

G. Issue preliminary and permanent injunctive relief against Defendants, and that Defendants, their officers, agents, representatives, servants, employees, attorneys, successors and assigns, and all others in active concert or participation with Defendants, be enjoined and restrained from:

(i) imitating, copying, or making any other infringing use of the SWEETGREEN Marks and Defendants' alleged SWEETLEAF Marks, and any other mark now or hereafter confusingly similar to the SWEETGREEN Marks;

(ii) manufacturing, assembling, producing, distributing, offering for distribution, circulating, selling, offering for sale, advertising, importing, promoting, or displaying any simulation, reproduction, counterfeit, copy, or colorable imitation of the SWEETGREEN Marks, Defendants' alleged SWEETLEAF Marks, or any mark confusingly similar thereto;

(iii) using any false designation of origin or false description or statement which can or is likely to lead the trade or public or individuals erroneously to believe that any good or service has been provided, produced, distributed, offered for distribution, circulation, sold, offered for sale, imported, advertised, promoted, displayed, licensed, sponsored, approved, or authorized by or for Sweetgreen, when such is not true in fact;

(iv) using the names, logos, or other variations thereof of the SWEETGREEN Marks or Defendants' alleged SWEETLEAF Marks in any of Defendants' trade or corporate names;

(v) engaging in any other activity constituting an infringement of the SWEETGREEN Marks, or of the rights of Sweetgreen in, or right to use or to exploit the SWEETGREEN Marks; and

(vi) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs (i) through (v) above;

H. Order Defendants to publish notice to all customers or members of the trade who may have seen or heard of Defendants' use of Defendants' alleged SWEETLEAF Marks, which notice shall disclaim any connection with Sweetgreen and shall advise them of the Court's injunction order and of Defendants' discontinuance from all use of Defendants' alleged SWEETLEAF Marks;

I. Order Defendants to pay the costs of corrective advertising;

J. Order Defendants to hold in trust, as constructive trustees for the benefit of Sweetgreen, its profits obtained from its provision of the Defendants Goods & Services offered for sale under Defendants' alleged SWEETLEAF Marks;

K. Order Defendants to provide Sweetgreen a full and complete accounting of all amounts due and owing to Sweetgreen as a result of Defendants' illegal activities;

L. Order Defendants to pay the general, special, actual, and statutory damages of Sweetgreen as follows:

(i) Sweetgreen's damages and Defendants' profits pursuant to 15 U.S.C. § 1117(a), trebled pursuant to 15 U.S.C. § 1117(b) for Defendants' willful violation of the federally registered trademarks of Sweetgreen; and

(ii) Sweetgreen's damages and Defendants' profits pursuant to the District of Columbia statutory and common law;

M. Order Defendants to pay to Sweetgreen both the costs of this action and the reasonable attorneys' fees incurred by Sweetgreen in prosecuting this action pursuant to 15 U.S.C. § 1117(a);

N. Order Defendants to transfer the registration of any and all domain names incorporating Defendants' alleged SWEETLEAF Marks or the SWEETGREEN Marks,

including but not limited to the domain name <eatsweetleaf.com>;

O. Declare that Defendants' claims for declaratory and other relief asserted in the Complaint are invalid or without merit and dismiss Defendants' Complaint in its entirety with prejudice; and

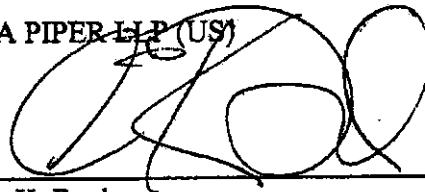
P. Award such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Sweetgreen demands a trial by jury as to all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Respectfully submitted this 6th day of May, 2011.

DLA PIPER LLP (US)



Ann K. Ford  
DC Bar No. 341479  
Edward S. Scheideman  
DC Bar No. 475128  
500 Eighth Street, NW  
Washington, DC 20004  
Tel.: 202-799-4000  
Fax: 202-799-5000

*Attorneys for Plaintiff Sweetgreen, Inc.*

## **EXHIBIT A**



Int. Cl.: 43

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,454,783

Registered June 24, 2008

**SERVICE MARK  
PRINCIPAL REGISTER**

**SWEET GREEN**

GREENS MANAGEMENT, LLC (DELAWARE  
LTD LIAB CO)  
3333 M STREET, NW  
WASHINGTON, DC 20007

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: RESTAURANT SERVICES AND CATERING  
SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

SN 77-124,231, FILED 3-7-2007.

FIRST USE 8-1-2007; IN COMMERCE 8-1-2007.

SANDRA MANIOS, EXAMINING ATTORNEY

## **EXHIBIT B**

# United States of America

United States Patent and Trademark Office

sweet



Reg. No. 3,859,178

Registered Oct. 12, 2010

Int. Cls.: 35 and 43

SERVICE MARK

PRINCIPAL REGISTER

GREENS MANAGEMENT, L.L.C. (DELAWARE LIMITED LIABILITY COMPANY)  
3333 M STREET, N.W.  
WASHINGTON, DC 20007

FOR: RETAIL STORE SERVICES PRIMARILY FEATURING SALADS, SANDWICHES AND FROZEN YOGURT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 8-1-2007; IN COMMERCE 8-1-2007.

FOR: RESTAURANT SERVICES AND CATERING SERVICES; RESTAURANT AND TAKE-OUT RESTAURANT SERVICES PRIMARILY FEATURING SALADS, SANDWICHES AND FROZEN YOGURT; CATERING SERVICES PRIMARILY FEATURING SALADS, SANDWICHES AND FROZEN YOGURT, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 8-1-2007; IN COMMERCE 8-1-2007.

THE MARK CONSISTS OF THE WORD "SWEETGREEN" IN LOWER CASE FORM, "SWEET" BEING IN DARK GREEN AND "GREEN" BEING IN LIGHT GREEN, TO THE LEFT OF A DESIGN OF TWO OVERLAPPING LEAVES EACH IN TWO SHADES OF GREEN, THE LEFTMOST LEAF BEING DARK GREEN WITH LIGHT GREEN LINING AND THE RIGHTMOST LEAF BEING LIGHT GREEN WITH DARK GREEN LINING.

THE COLOR(S) DARK GREEN AND LIGHT GREEN IS/ARE CLAIMED AS A FEATURE OF THE MARK.

SER. NO. 77-823,137, FILED 9-9-2009.

BRENDAN REGAN, EXAMINING ATTORNEY



*David J. Kybas*

Director of the United States Patent and Trademark Office

## **EXHIBIT C**

**Thank you for your request. Here are the latest results from the TARR web server.**

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**Serial Number: 77829444 Assignment Information      Trademark Document Retrieval**

**Registration Number: 3951701**

**Mark**

**SWEETGREEN**

**(words only): SWEETGREEN**

**Standard Character claim: Yes**

**Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.**

**Date of Status: 2011-04-26**

**Filing Date: 2009-09-18**

**Transformed into a National Application: No**

**Registration Date: 2011-04-26**

**Register: Principal**

**Law Office Assigned: LAW OFFICE 113**

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location: 650 -Publication And Issue Section**

**Date In Location: 2011-03-18**

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

**1. SWEETGREEN, INC.**

**Address:**

SWEETGREEN, INC.  
1512 CONNECTICUT AVE, NW  
WASHINGTON, DC 20036  
United States  
**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** Delaware

### **GOODS AND/OR SERVICES**

**International Class:** 018  
**Class Status:** Active  
Canvas shopping bags; all-purpose reusable carrying bags  
**Basis:** 1(a)  
**First Use Date:** 2007-08-17  
**First Use in Commerce Date:** 2007-08-17

### **ADDITIONAL INFORMATION**

**Prior Registration Number(s):**  
3454783

### **MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

### **PROSECUTION HISTORY**

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2011-04-26 - Registered - Principal Register  
2011-03-19 - Notice Of Acceptance Of Statement Of Use E-Mailed  
2011-03-18 - Law Office Registration Review Completed  
2011-03-14 - Allowed for Registration - Principal Register (SOU accepted)  
2011-03-04 - Notice Of Approval Of Extension Request E-Mailed  
2011-03-03 - Statement Of Use Processing Complete  
2011-02-11 - Use Amendment Filed  
2011-03-03 - Extension 1 granted

2011-02-10 - Extension 1 filed

2011-03-03 - Case Assigned To Intent To Use Paralegal

2011-02-11 - TEAS Statement of Use Received

2011-02-11 - Extension Received With TEAS Petition

2011-02-11 - Petition To Revive-Granted

2011-02-11 - TEAS Petition To Revive Received

2010-08-10 - NOA E-Mailed - SOU Required From Applicant

2010-06-15 - Notice Of Publication E-Mailed

2010-06-15 - Published for opposition

2010-05-12 - Law Office Publication Review Completed

2010-05-11 - Assigned To LIE

2010-05-06 - Assignment Of Ownership Not Updated Automatically

2010-05-01 - Approved For Pub - Principal Register

2010-04-30 - Teas/Email Correspondence Entered

2010-04-30 - Communication received from applicant

2010-04-30 - TEAS Response to Office Action Received

2010-03-29 - Attorney Revoked And/Or Appointed

2010-03-29 - TEAS Revoke/Appoint Attorney Received

2009-12-12 - Notification Of Non-Final Action E-Mailed

2009-12-12 - Non-final action e-mailed

2009-12-12 - Non-Final Action Written

2009-12-12 - Assigned To Examiner

2009-09-23 - Notice Of Pseudo Mark Mailed

2009-09-22 - New Application Office Supplied Data Entered In Tram

2009-09-22 - New Application Entered In Tram

**ATTORNEY/CORRESPONDENT INFORMATION**

**Attorney of Record**

Ann K. Ford

**Correspondent**

Ann K. Ford

DLA Piper LLP (US)

500 Eighth Street, NW

Washington DC 20004

Phone Number: 2027994000

Fax Number: 2027995000





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<b>Word Mark</b>	SWEETGREEN
<b>Goods and Services</b>	IC 018. US 001 002 003 022 041. G & S: Canvas shopping bags; all-purpose reusable carrying bags. FIRST USE: 20070817. FIRST USE IN COMMERCE: 20070817
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77829444
<b>Filing Date</b>	September 18, 2009
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	June 15, 2010
<b>Registration Number</b>	3951701
<b>Registration Date</b>	April 26, 2011
<b>Owner</b>	(REGISTRANT) SWEETGREEN, INC. CORPORATION DELAWARE 1512 CONNECTICUT AVE, NW WASHINGTON D.C. 20036
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Ann K. Ford
<b>Prior Registrations</b>	3454783
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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## **EXHIBIT D**

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**Serial Number: 77829447 Assignment Information      Trademark Document Retrieval**

**Registration Number: 3951702**

**Mark**

**SWEETGREEN**

**(words only): SWEETGREEN**

**Standard Character claim: Yes**

**Current Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Date of Status:** 2011-04-26

**Filing Date:** 2009-09-18

**Transformed into a National Application:** No

**Registration Date:** 2011-04-26

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 113

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2011-03-19

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

**1. SWEETGREEN, INC.**

**Address:**

SWEETGREEN, INC.  
1512 CONNECTICUT AVE, NW  
WASHINGTON, DC 20036  
United States  
**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** Delaware

---

**GOODS AND/OR SERVICES**

**International Class:** 021  
**Class Status:** Active  
Salad bowls, bowls, water bottles sold empty  
**Basis:** 1(a)  
**First Use Date:** 2007-08-17  
**First Use in Commerce Date:** 2007-08-17

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**ADDITIONAL INFORMATION**

**Prior Registration Number(s):**  
3454783

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**MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

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**PROSECUTION HISTORY**

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-04-26 - Registered - Principal Register  
2011-03-22 - Notice Of Acceptance Of Statement Of Use E-Mailed  
2011-03-19 - Law Office Registration Review Completed  
2011-03-14 - Allowed for Registration - Principal Register (SOU accepted)  
2011-03-04 - Notice Of Approval Of Extension Request E-Mailed  
2011-03-03 - Statement Of Use Processing Complete  
2011-02-11 - Use Amendment Filed  
2011-03-03 - Extension 1 granted

2011-02-10 - Extension 1 filed  
2011-03-03 - Case Assigned To Intent To Use Paralegal  
2011-02-11 - TEAS Statement of Use Received  
2011-02-11 - Extension Received With TEAS Petition  
2011-02-11 - Petition To Revive-Granted  
2011-02-11 - TEAS Petition To Revive Received  
2010-08-10 - NOA E-Mailed - SOU Required From Applicant  
2010-06-15 - Notice Of Publication E-Mailed  
2010-06-15 - Published for opposition  
2010-05-12 - Law Office Publication Review Completed  
2010-05-11 - Assigned To LIE  
2010-05-06 - Assignment Of Ownership Not Updated Automatically  
2010-05-01 - Approved For Pub - Principal Register  
2010-04-30 - Teas/Email Correspondence Entered  
2010-04-30 - Communication received from applicant  
2010-04-30 - TEAS Response to Office Action Received  
2010-03-29 - Attorney Revoked And/Or Appointed  
2010-03-29 - TEAS Revoke/Appoint Attorney Received  
2009-12-12 - Notification Of Non-Final Action E-Mailed  
2009-12-12 - Non-final action e-mailed  
2009-12-12 - Non-Final Action Written  
2009-12-12 - Assigned To Examiner  
2009-09-23 - Notice Of Pseudo Mark Mailed  
2009-09-22 - New Application Office Supplied Data Entered In Tram  
2009-09-22 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Ann K. Ford

**Correspondent**

Ann K. Ford

DLA Piper LLP (US)

500 Eighth Street, NW

Washington DC 20004

Phone Number: 2027994000

Fax Number: 2027995000

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# SWEETGREEN

<b>Word Mark</b>	SWEETGREEN
<b>Goods and Services</b>	IC 021. US 002 013 023 029 030 033 040 050. G & S: Salad bowls, bowls, water bottles sold empty. FIRST USE: 20070817. FIRST USE IN COMMERCE: 20070817
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77829447
<b>Filing Date</b>	September 18, 2009
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	June 15, 2010
<b>Registration Number</b>	3951702
<b>Registration Date</b>	April 26, 2011
<b>Owner</b>	(REGISTRANT) SWEETGREEN, INC. CORPORATION DELAWARE 1512 CONNECTICUT AVE, NW WASHINGTON D.C. 20036
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Ann K. Ford
<b>Prior Registrations</b>	3454783
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE



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## **EXHIBIT E**

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**Serial Number: 77829450 Assignment Information      Trademark Document Retrieval**

**Registration Number: (NOT AVAILABLE)**

**Mark**

**SWEETGREEN**

**(words only): SWEETGREEN**

**Standard Character claim: Yes**

**Current Status: A first request for extension of time to file a Statement of Use has been granted.**

**Date of Status: 2011-03-11**

**Filing Date: 2009-09-18**

**The Notice of Allowance Date is: 2010-08-10**

**Transformed into a National Application: No**

**Registration Date: (DATE NOT AVAILABLE)**

**Register: Principal**

**Law Office Assigned: LAW OFFICE 113**

**Attorney Assigned:  
REGAN JOHN B**

**Current Location: 700 -Intent To Use Section**

**Date In Location: 2011-03-04**

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

**1. SWEETGREEN, INC.**

**Address:**

SWEETGREEN, INC.  
1512 CONNECTICUT AVE, NW  
WASHINGTON, DC 20036  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

**GOODS AND/OR SERVICES**

**International Class:** 025

**Class Status:** Active

Clothing, namely, shirts and t-shirts sold as promotional items

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**ADDITIONAL INFORMATION**

**Prior Registration Number(s):**

3454783

**MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

**PROSECUTION HISTORY**

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-03-12 - Notice Of Approval Of Extension Request E-Mailed

2011-03-11 - Extension 1 granted

2011-02-10 - Extension 1 filed

2011-03-04 - Case Assigned To Intent To Use Paralegal

2011-02-11 - Extension Received With TEAS Petition

2011-02-11 - Petition To Revive-Granted

2011-02-11 - TEAS Petition To Revive Received

2010-08-10 - NOA E-Mailed - SOU Required From Applicant

2010-06-15 - Notice Of Publication E-Mailed

2010-06-15 - Published for opposition

2010-05-12 - Law Office Publication Review Completed

2010-05-11 - Assigned To LIE

2010-05-06 - Assignment Of Ownership Not Updated Automatically

2010-05-01 - Approved For Pub - Principal Register

2010-04-30 - Teas/Email Correspondence Entered

2010-04-30 - Communication received from applicant

2010-04-30 - TEAS Response to Office Action Received

2010-03-29 - Attorney Revoked And/Or Appointed

2010-03-29 - TEAS Revoke/Appoint Attorney Received

2009-12-12 - Notification Of Non-Final Action E-Mailed

2009-12-12 - Non-final action e-mailed

2009-12-12 - Non-Final Action Written

2009-12-12 - Assigned To Examiner

2009-09-23 - Notice Of Pseudo Mark Mailed

2009-09-22 - New Application Office Supplied Data Entered In Tram

2009-09-22 - New Application Entered In Tram

# **ATTORNEY/CORRESPONDENT INFORMATION**

## **Attorney of Record**

Ann K. Ford

## **Correspondent**

Ann K. Ford  
DLA Piper LLP (US)  
500 Eighth Street, NW  
Washington DC 20004  
Phone Number: 2027994000  
Fax Number: 2027995000





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# SWEETGREEN

<b>Word Mark</b>	SWEETGREEN
<b>Goods and Services</b>	IC 025. US 022 039. G & S: Clothing, namely, shirts and t-shirts sold as promotional items
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77829450
<b>Filing Date</b>	September 18, 2009
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	June 15, 2010
<b>Owner</b>	(APPLICANT) SWEETGREEN, INC. CORPORATION DELAWARE 1512 CONNECTICUT AVE, NW WASHINGTON D.C. 20036
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Ann K. Ford
<b>Prior Registrations</b>	3454783
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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## **EXHIBIT F**

**Thank you for your request. Here are the latest results from the TARR web server.**

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**Serial Number: 77829451 Assignment Information      Trademark Document Retrieval**

**Registration Number: (NOT AVAILABLE)**

**Mark**

**SWEETGREEN**

**(words only): SWEETGREEN**

**Standard Character claim: Yes**

**Current Status: A first request for extension of time to file a Statement of Use has been granted.**

**Date of Status: 2011-02-07**

**Filing Date: 2009-09-18**

**The Notice of Allowance Date is: 2010-08-10**

**Transformed into a National Application: No**

**Registration Date: (DATE NOT AVAILABLE)**

**Register: Principal**

**Law Office Assigned: LAW OFFICE 113**

**Attorney Assigned:  
REGAN JOHN B**

**Current Location: 700 -Intent To Use Section**

**Date In Location: 2011-02-07**

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

**1. SWEETGREEN, INC.**

**Address:**

SWEETGREEN, INC.  
1512 CONNECTICUT AVE, NW  
WASHINGTON, DC 20036  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

**GOODS AND/OR SERVICES**

**International Class:** 029

**Class Status:** Active

Edible oils; olive oil

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**ADDITIONAL INFORMATION**

**Prior Registration Number(s):**

3454783

**MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

**PROSECUTION HISTORY**

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2011-02-08 - Notice Of Approval Of Extension Request E-Mailed

2011-02-07 - Extension 1 granted

2011-01-13 - Extension 1 filed

2011-02-07 - Case Assigned To Intent To Use Paralegal

2011-01-13 - TEAS Extension Received

2010-08-10 - NOA E-Mailed - SOU Required From Applicant

2010-06-15 - Notice Of Publication E-Mailed

2010-06-15 - Published for opposition

2010-05-12 - Law Office Publication Review Completed  
 2010-05-11 - Assigned To LIE  
 2010-05-06 - Assignment Of Ownership Not Updated Automatically  
 2010-05-01 - Approved For Pub - Principal Register  
 2010-04-30 - Teas/Email Correspondence Entered  
 2010-04-30 - Communication received from applicant  
 2010-04-30 - TEAS Response to Office Action Received  
 2010-03-29 - Attorney Revoked And/Or Appointed  
 2010-03-29 - TEAS Revoke/Appoint Attorney Received  
 2009-12-12 - Notification Of Non-Final Action E-Mailed  
 2009-12-12 - Non-final action e-mailed  
 2009-12-12 - Non-Final Action Written  
 2009-12-12 - Assigned To Examiner  
 2009-09-23 - Notice Of Pseudo Mark Mailed  
 2009-09-22 - New Application Office Supplied Data Entered In Tram  
 2009-09-22 - New Application Entered In Tram

#### **ATTORNEY/CORRESPONDENT INFORMATION**

##### **Attorney of Record**

Ann K. Ford

##### **Correspondent**

Ann K. Ford  
 DLA Piper LLP (US)  
 500 Eighth Street, NW  
 Washington DC 20004  
 Phone Number: 2027994000  
 Fax Number: 2027995000



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# SWEETGREEN

<b>Word Mark</b>	SWEETGREEN
<b>Goods and Services</b>	IC 029. US 046. G & S: Edible oils; olive oil
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77829451
<b>Filing Date</b>	September 18, 2009
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	June 15, 2010
<b>Owner</b>	(APPLICANT) SWEETGREEN, INC. CORPORATION DELAWARE 1512 CONNECTICUT AVE, NW WASHINGTON D.C. 20036
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Ann K. Ford
<b>Prior Registrations</b>	3454783
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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## **EXHIBIT G**

**Thank you for your request. Here are the latest results from the TARR web server.**

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**Serial Number: 85043748 Assignment Information      Trademark Document Retrieval**

**Registration Number: (NOT AVAILABLE)**

**Mark**

**SWEETGREEN**

**(words only): SWEETGREEN**

**Standard Character claim: Yes**

**Current Status:** Notice of Allowance (NOA) sent (issued) to the applicant. Applicant must file a Statement of Use or Extension Request within six months of the NOA issuance date.

**Date of Status:** 2010-12-28

**Filing Date:** 2010-05-20

**The Notice of Allowance Date is:** 2010-12-28

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 115

**Attorney Assigned:**  
HSU FONG

**Current Location:** 700 -Intent To Use Section

**Date In Location:** 2010-12-28

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

**1. SWEETGREEN, INC.**



**Address:**

SWEETGREEN, INC.  
1512 CONNECTICUT AVE, NW  
WASHINGTON, DC 20036  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

**GOODS AND/OR SERVICES**

**International Class:** 030

**Class Status:** Active

granola-based snack bars; grain-based food bars also containing soy, dried fruits, chocolate, nuts

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**ADDITIONAL INFORMATION**

**Prior Registration Number(s):**

3454783

**MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

**PROSECUTION HISTORY**

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-12-28 - NOA E-Mailed - SOU Required From Applicant

2010-11-02 - Notice Of Publication E-Mailed

2010-11-02 - Published for opposition

2010-09-24 - Law Office Publication Review Completed

2010-09-24 - Assigned To LIE

2010-09-15 - Approved For Pub - Principal Register

2010-09-02 - Assigned To Examiner

2010-05-26 - Notice Of Pseudo Mark Mailed

2010-05-25 - New Application Office Supplied Data Entered In Tram

2010-05-24 - New Application Entered In Tram

**ATTORNEY/CORRESPONDENT INFORMATION**

**Attorney of Record**

Ann K. Ford

**Correspondent**

ANN K. FORD

DLA PIPER LLP (US)

500 8TH ST NW

WASHINGTON, DC 20004-2131

Phone Number: 2027994000

Fax Number: 2027995000



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# SWEETGREEN

<b>Word Mark</b>	SWEETGREEN
<b>Goods and Services</b>	IC 030, US 046, G & S: granola-based snack bars; grain-based food bars also containing soy, dried fruits, chocolate, nuts
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85043748
<b>Filing Date</b>	May 20, 2010
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	November 2, 2010
<b>Owner</b>	(APPLICANT) SWEETGREEN, INC. CORPORATION DELAWARE 1512 CONNECTICUT AVE, NW WASHINGTON D.C. 20036
<b>Attorney of Record</b>	Ann K. Ford
<b>Prior Registrations</b>	3454783
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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## **EXHIBIT H**

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2011-05-05 12:25:42 ET**

**Serial Number: 85082284 Assignment Information      Trademark Document Retrieval**

**Registration Number: (NOT AVAILABLE)**

**Mark**

**SWEETGREEN**

**(words only): SWEETGREEN**

**Standard Character claim: Yes**

**Current Status:** Notice of Allowance (NOA) sent (issued) to the applicant. Applicant must file a Statement of Use or Extension Request within six months of the NOA issuance date.

**Date of Status:** 2010-12-28

**Filing Date:** 2010-07-12

**The Notice of Allowance Date is:** 2010-12-28

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 115

**Attorney Assigned:**  
HSU FONG

**Current Location:** 700 -Intent To Use Section

**Date In Location:** 2010-12-28

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

1. SWEETGREEN, INC.

**Address:**

SWEETGREEN, INC.  
1512 CONNECTICUT AVE, NW  
WASHINGTON, DC 20036  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

**GOODS AND/OR SERVICES**

**International Class:** 036

**Class Status:** Active

Charitable fundraising services, namely, organizing and conducting fundraising events to raise money and awareness for socially progressive causes related to the environment, nutrition, diet, youth activities and health, and general healthy living

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**ADDITIONAL INFORMATION**

**Prior Registration Number(s):**

3454783

**MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

**PROSECUTION HISTORY**

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-12-28 - NOA E-Mailed - SOU Required From Applicant

2010-11-02 - Notice Of Publication E-Mailed

2010-11-02 - Published for opposition

2010-09-24 - Law Office Publication Review Completed

2010-09-24 - Assigned To LIE

2010-09-15 - Approved For Pub - Principal Register

2010-09-02 - Assigned To Examiner

2010-07-16 - Notice Of Pseudo Mark Mailed

2010-07-15 - New Application Office Supplied Data Entered In Tram

2010-07-15 - New Application Entered In Tram

**ATTORNEY/CORRESPONDENT INFORMATION**

**Attorney of Record**

Ann K. Ford

**Correspondent**

ANN K. FORD

DLA PIPER LLP (US)

500 8TH ST NW

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Phone Number: 2027994000

Fax Number: 2027995000





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# SWEETGREEN

<b>Word Mark</b>	SWEETGREEN
<b>Goods and Services</b>	IC 036. US 100 101 102. G & S: Charitable fundraising services, namely, organizing and conducting fundraising events to raise money and awareness for socially progressive causes related to the environment, nutrition, diet, youth activities and health, and general healthy living
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85082284
<b>Filing Date</b>	July 12, 2010
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	November 2, 2010
<b>Owner</b>	(APPLICANT) SWEETGREEN, INC. CORPORATION DELAWARE 1512 CONNECTICUT AVE, NW WASHINGTON D.C. 20036
<b>Attorney of Record</b>	Ann K. Ford
<b>Prior Registrations</b>	3454783
<b>Type of Mark Register</b>	SERVICE MARK PRINCIPAL

Live/Dead  
Indicator

LIVE

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## **EXHIBIT I**

**Thank you for your request. Here are the latest results from the TARR web server.**

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**Serial Number: 85052034 Assignment Information Trademark Document Retrieval**

**Registration Number: (NOT AVAILABLE)**

**Mark**

sweetgree

**(words only): SWEETGREEN**

**Standard Character claim: No**

**Current Status:** Notice of Allowance (NOA) sent (issued) to the applicant. Applicant must file a Statement of Use or Extension Request within six months of the NOA issuance date.

**Date of Status:** 2010-12-28

**Filing Date:** 2010-06-01

**The Notice of Allowance Date is:** 2010-12-28

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 115

**Attorney Assigned:**  
HSU FONG

**Current Location:** 700 -Intent To Use Section

**Date In Location:** 2010-12-28

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

1. SWEETGREEN, INC.

**Address:**

SWEETGREEN, INC.  
1512 CONNECTICUT AVE, NW  
WASHINGTON, DC 20036  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

**GOODS AND/OR SERVICES**

**International Class:** 029

**Class Status:** Active

Edible oils; olive oil

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**ADDITIONAL INFORMATION**

**Color(s) Claimed:** Color is not claimed as a feature of the mark.

**Description of Mark:** The mark consists of the word "SWEETGREEN" in which the first letter "e" is lower case and backward.

**Prior Registration Number(s):**

3454783

**MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

**PROSECUTION HISTORY**

**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-12-28 - NOA E-Mailed - SOU Required From Applicant

2010-11-02 - Notice Of Publication E-Mailed

2010-11-02 - Published for opposition

2010-09-24 - Law Office Publication Review Completed

2010-09-24 - Assigned To LIE

2010-09-15 - Approved For Pub - Principal Register

2010-09-02 - Assigned To Examiner

2010-06-05 - Notice Of Pseudo Mark Mailed

2010-06-04 - New Application Office Supplied Data Entered In Tram

2010-06-04 - New Application Entered In Tram

**ATTORNEY/CORRESPONDENT INFORMATION**

**Attorney of Record**

Ann K. Ford

**Correspondent**

ANN K. FORD

DLA PIPER LLP (US)

500 8TH ST NW

WASHINGTON, DC 20004-2131

Phone Number: 2027994000

Fax Number: 2027995000



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# sweetgree

<b>Word Mark</b>	SWEETGREEN
<b>Goods and Services</b>	IC 029. US 046. G & S: Edible oils; olive oil
<b>Mark Drawing Code</b>	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
<b>Serial Number</b>	85052034
<b>Filing Date</b>	June 1, 2010
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	November 2, 2010
<b>Owner</b>	(APPLICANT) SWEETGREEN, INC. CORPORATION DELAWARE 1512 CONNECTICUT AVE, NW WASHINGTON D.C. 20036
<b>Attorney of Record</b>	Ann K. Ford
<b>Prior Registrations</b>	3454783
<b>Description of Mark</b>	Color is not claimed as a feature of the mark. The mark consists of the word "SWEETGREEN" in which the first letter "e" is lower case and backward.
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

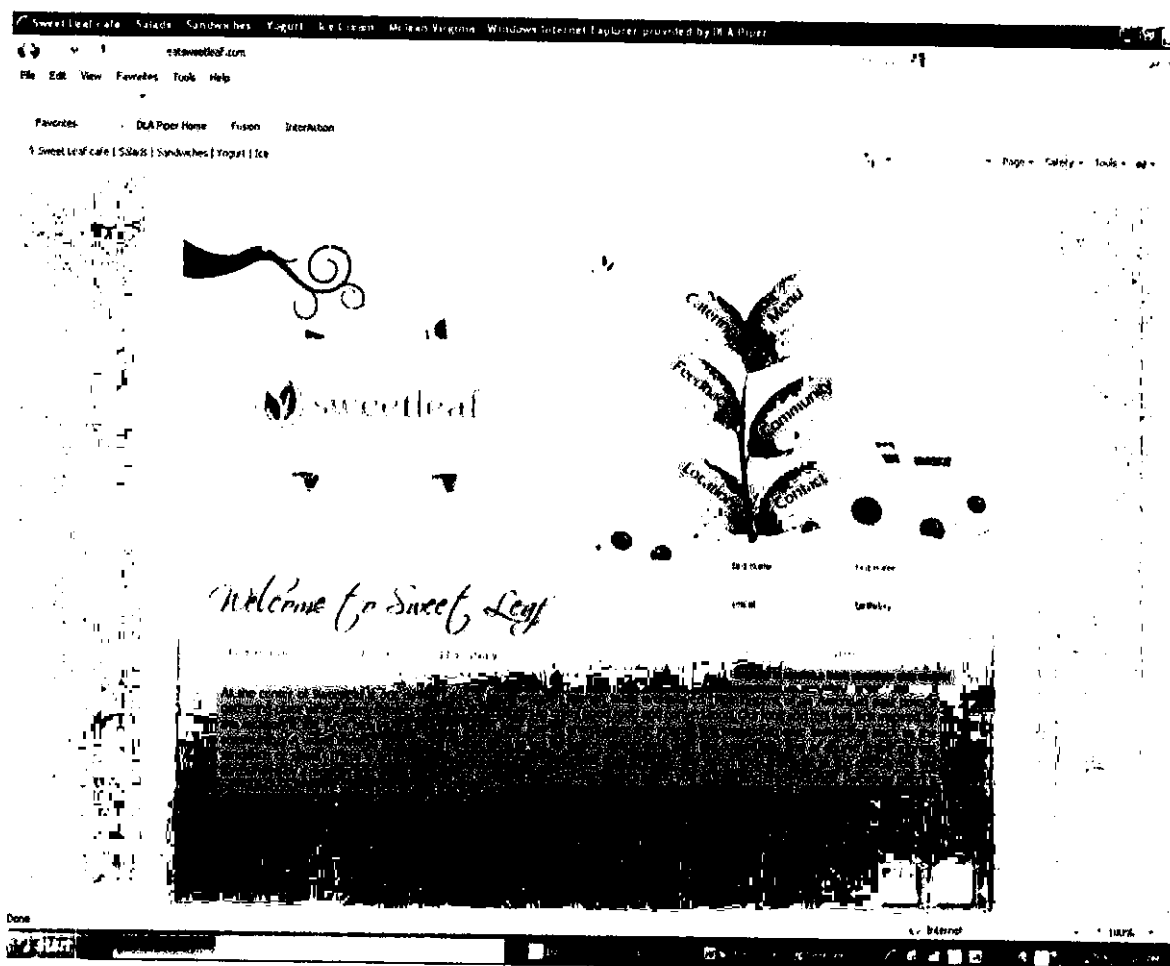
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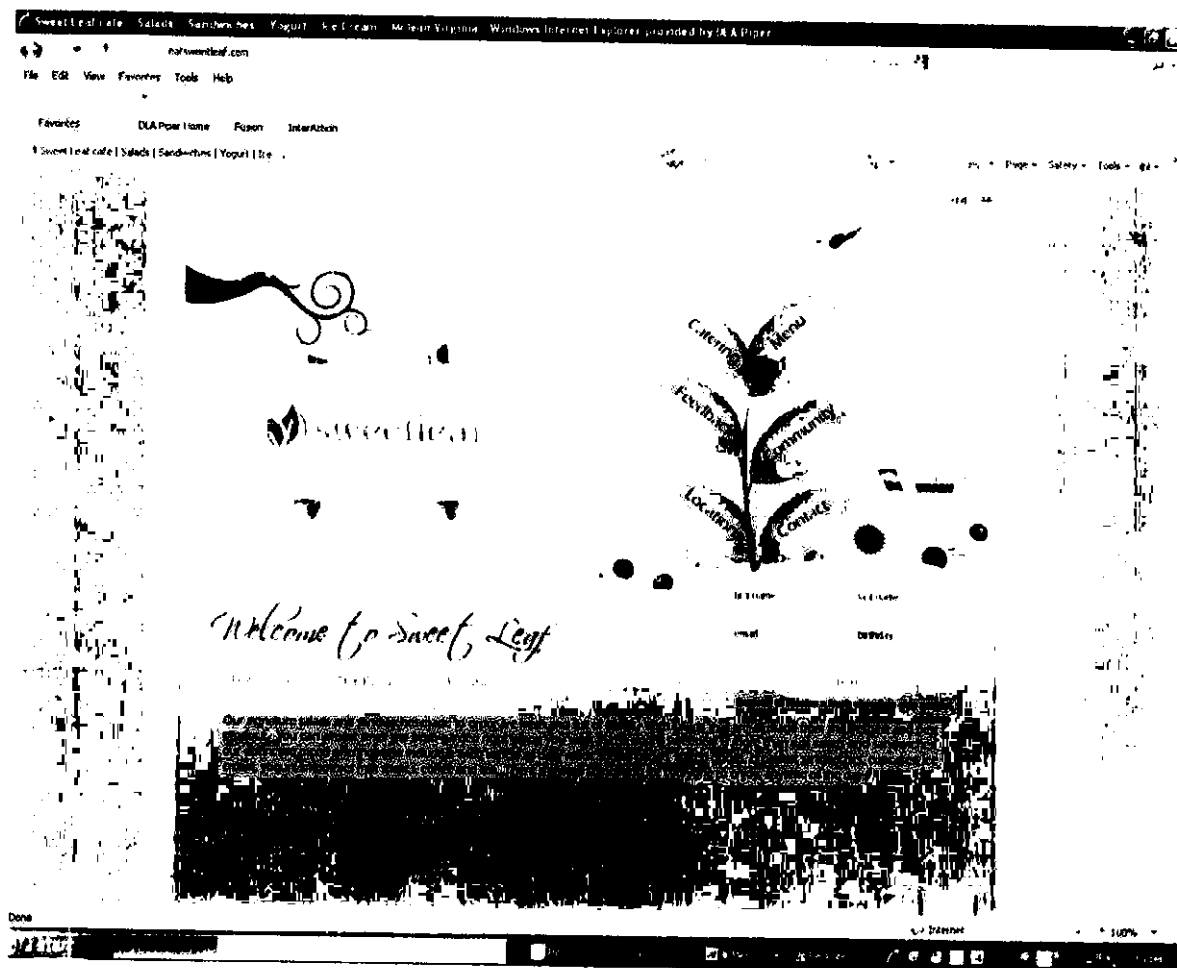


## **EXHIBIT J**

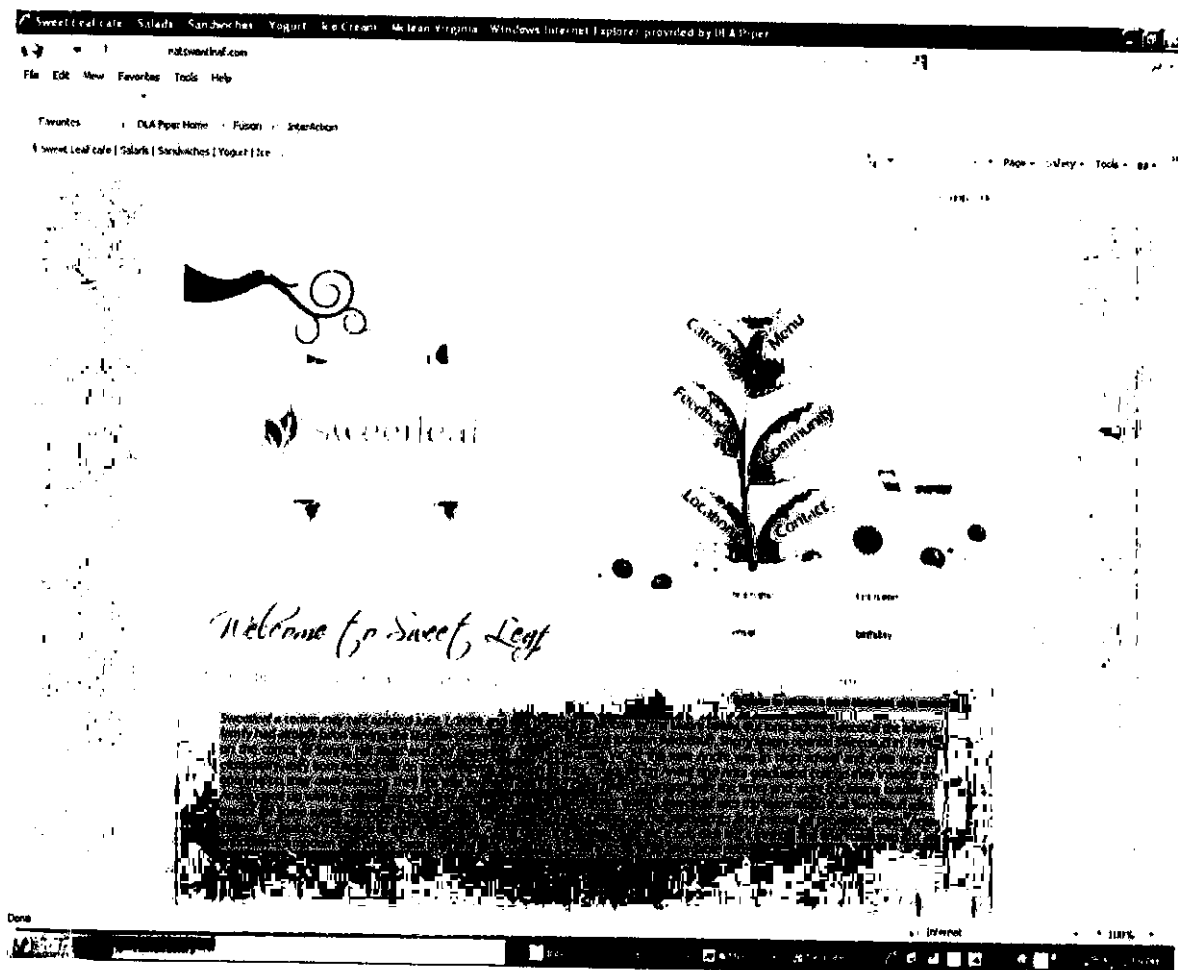
Screenshots taken from Website at Domain Name <eatsweetleaf.com> on May 5, 2011



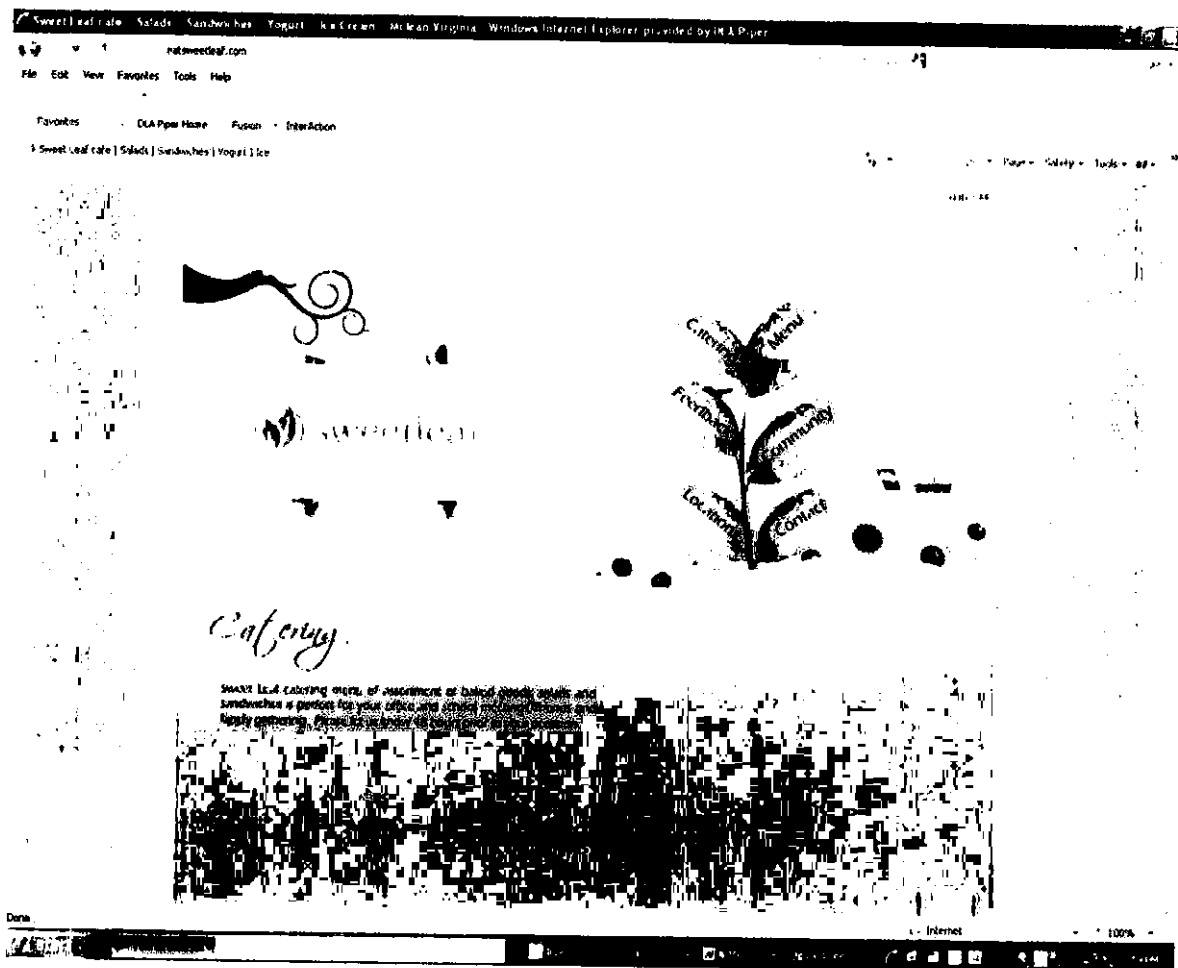
Screenshots taken from Website at Domain Name <catsweetleaf.com> on May 5, 2011



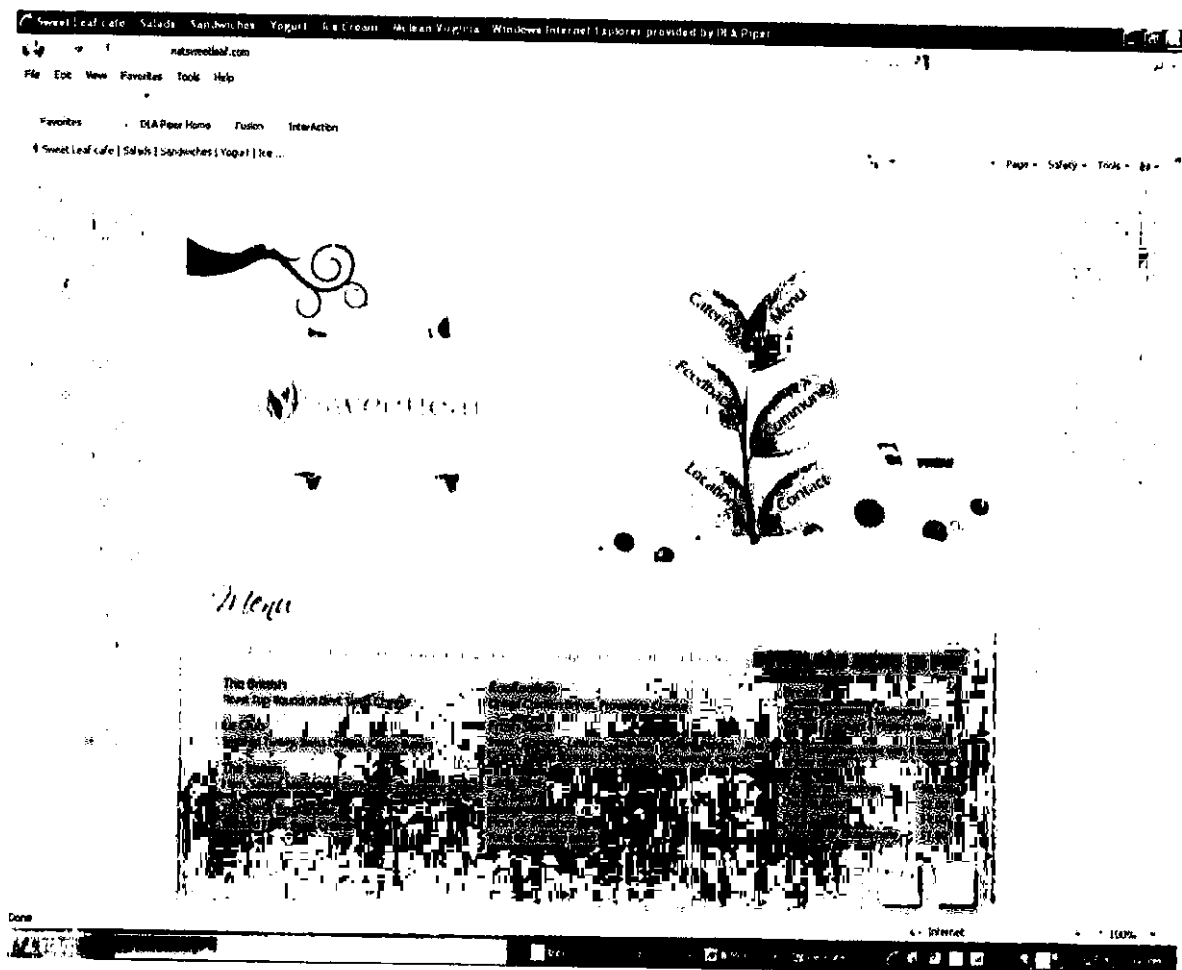
Screenshots taken from Website at Domain Name <eatsweetleaf.com> on May 5, 2011



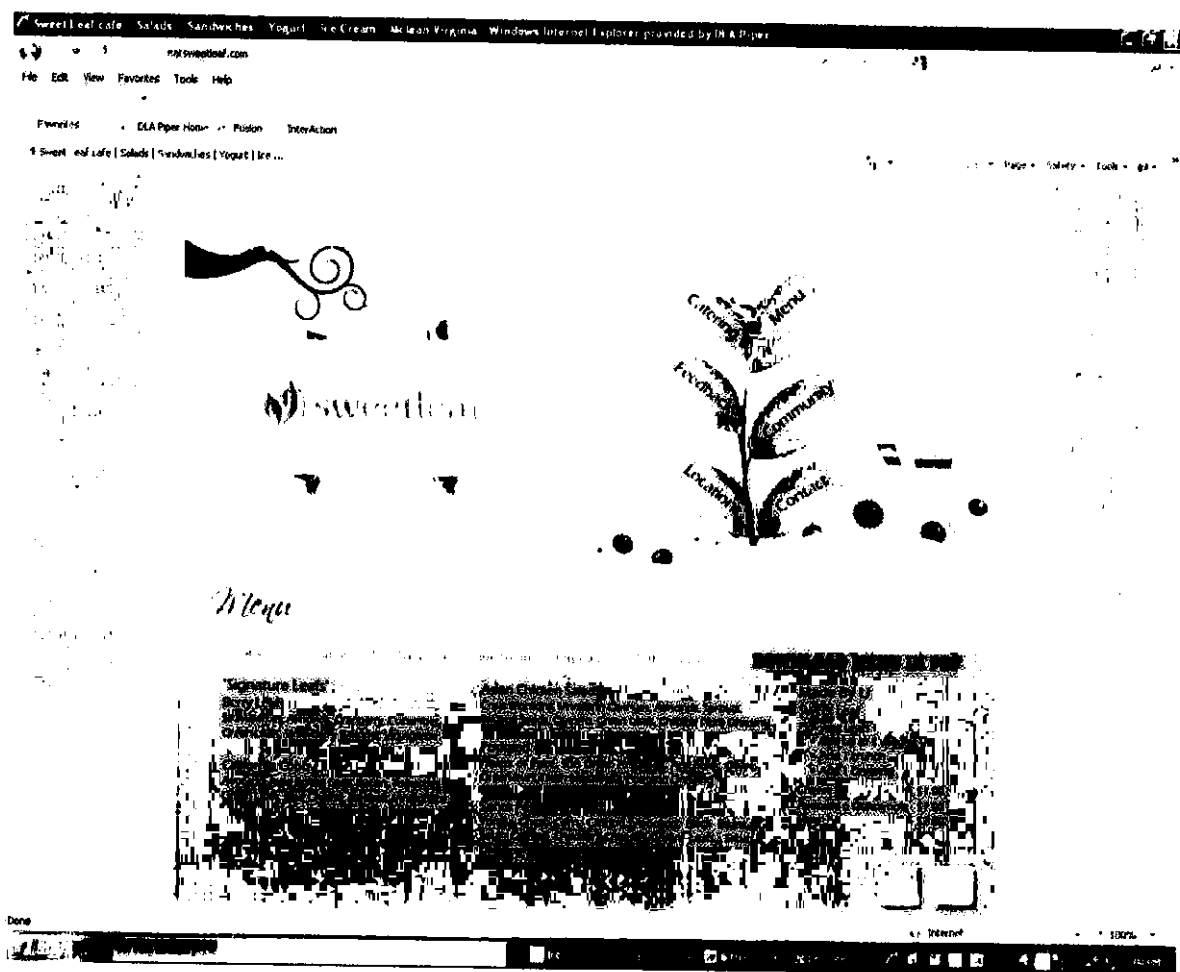
Screenshots taken from Website at Domain Name <eatswectleaf.com> on May 5, 2011



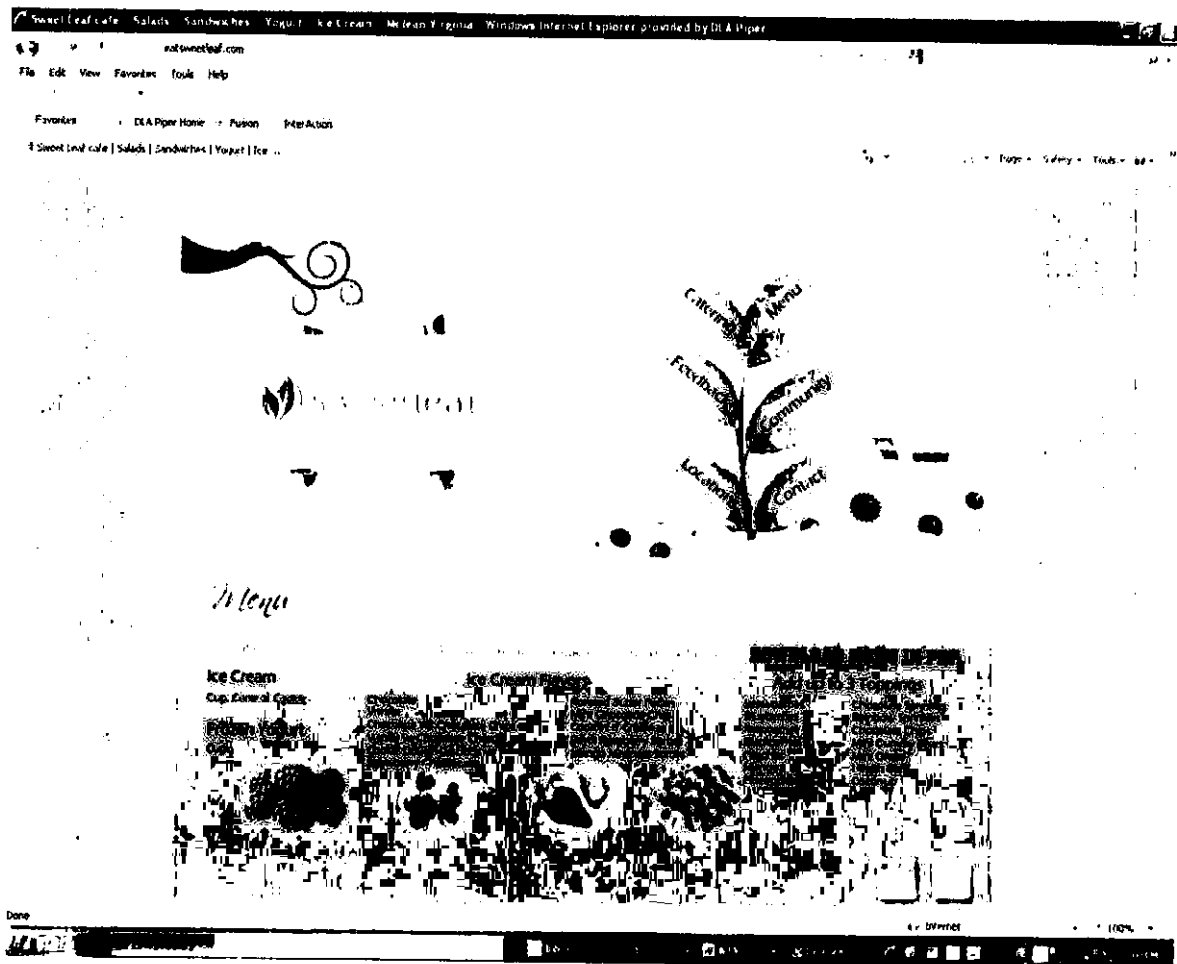
Screenshots taken from Website at Domain Name <catsweetleaf.com> on May 5, 2011



Screenshots taken from Website at Domain Name <catsweetleaf.com> on May 5, 2011

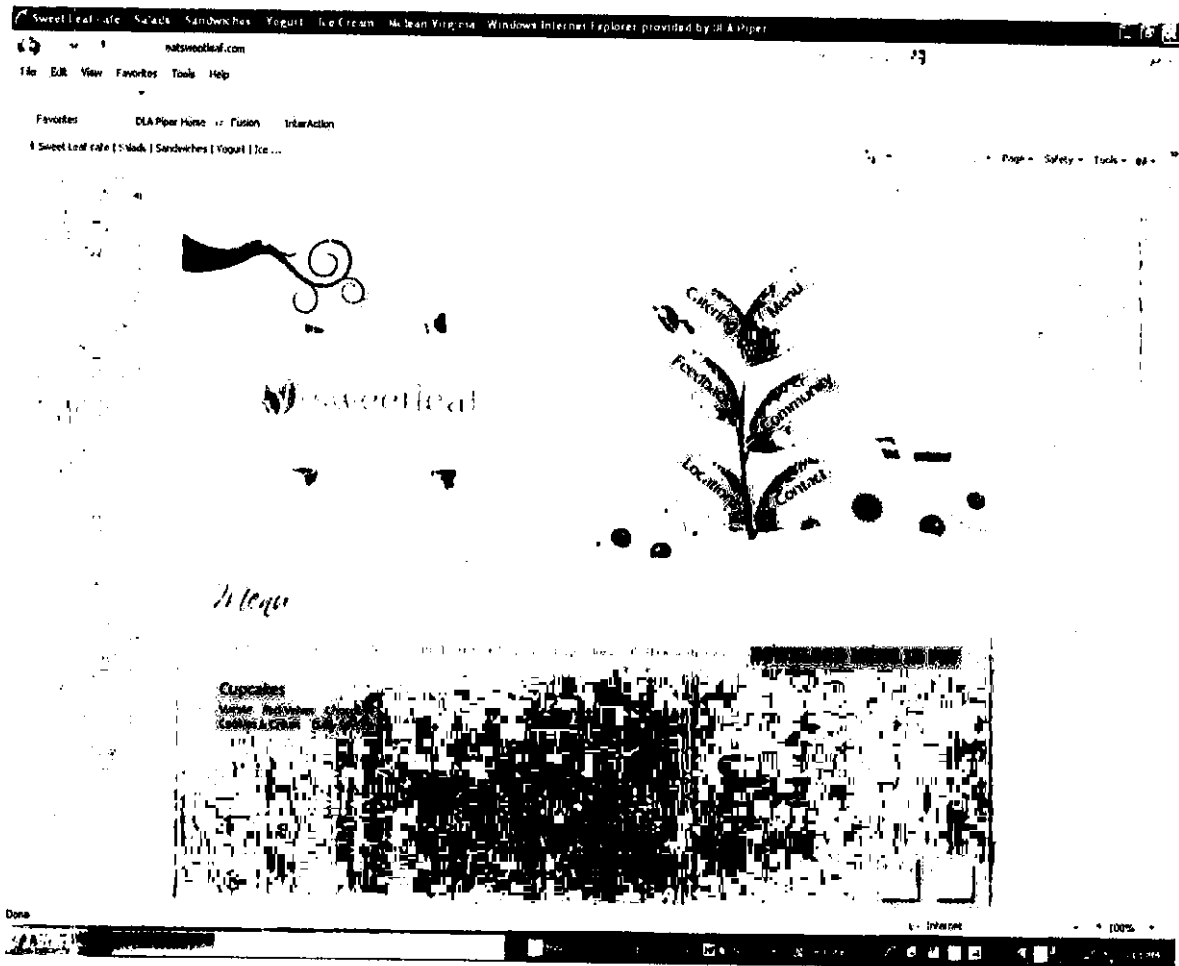


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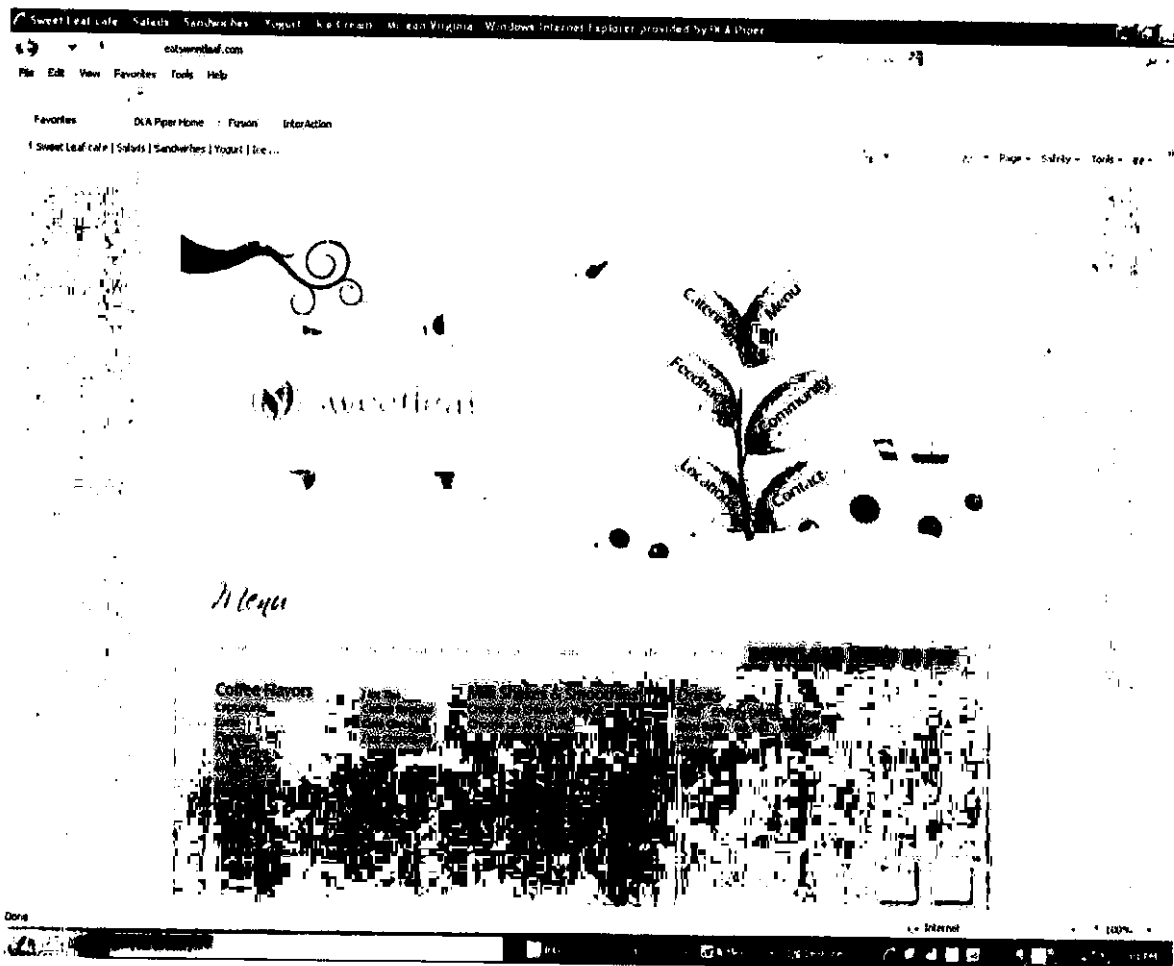




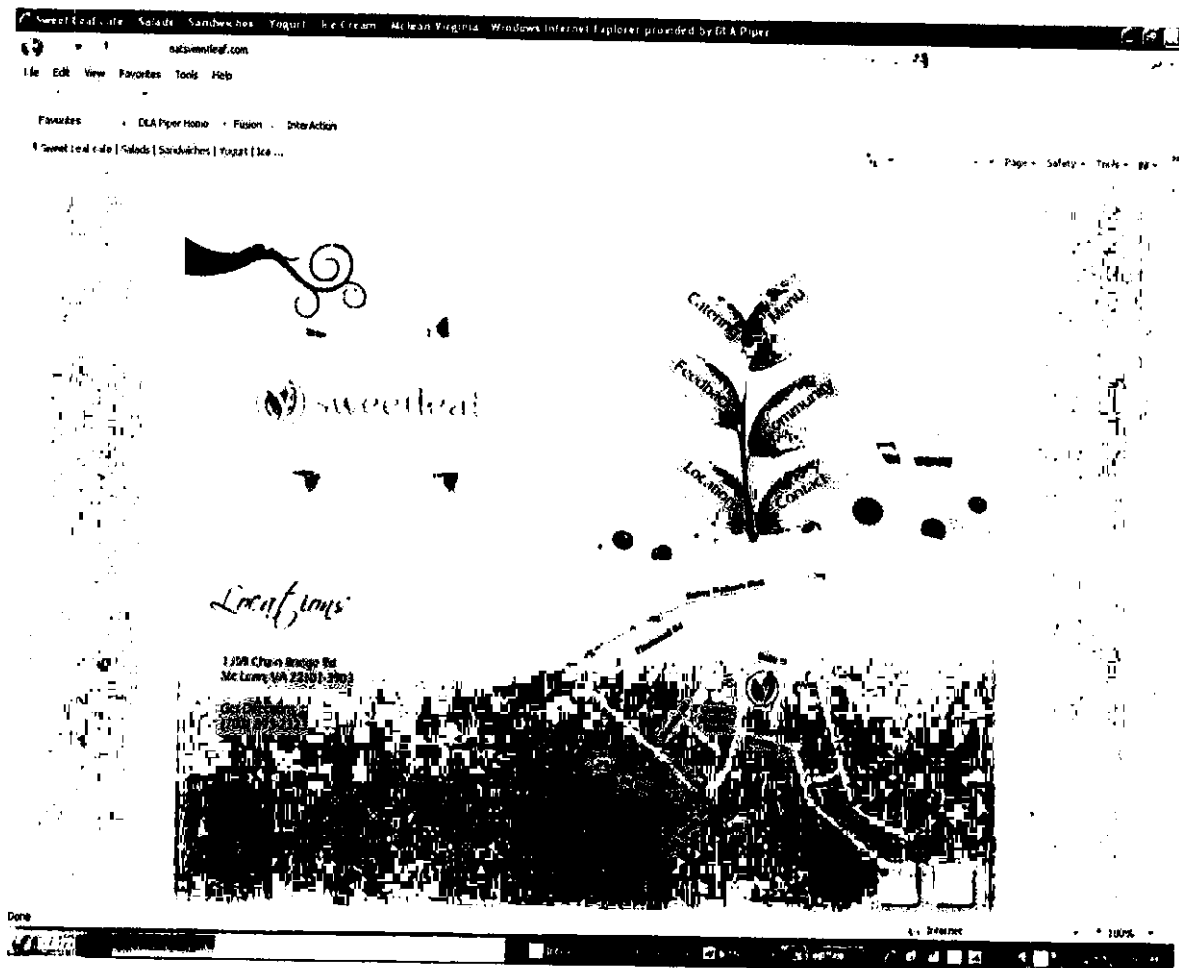
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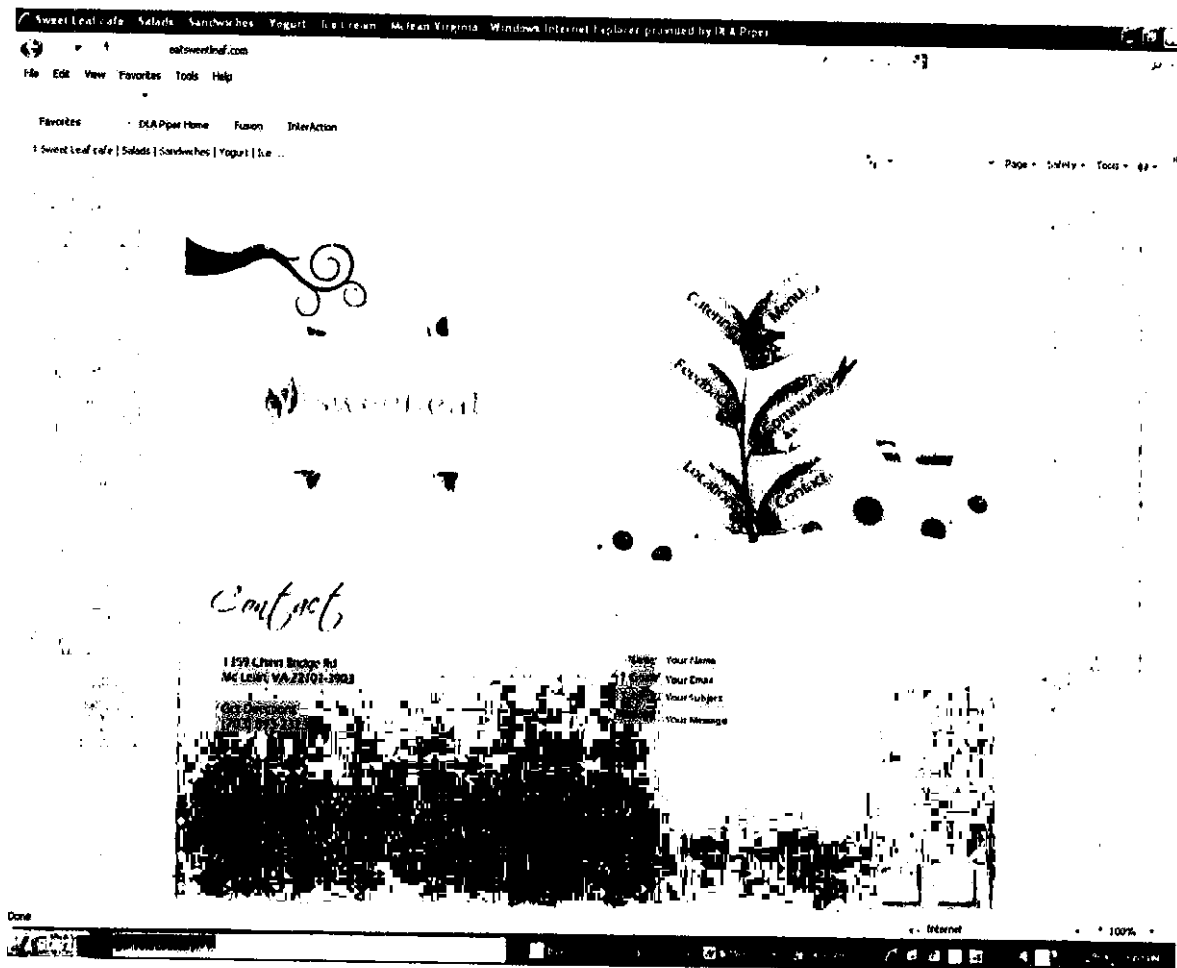
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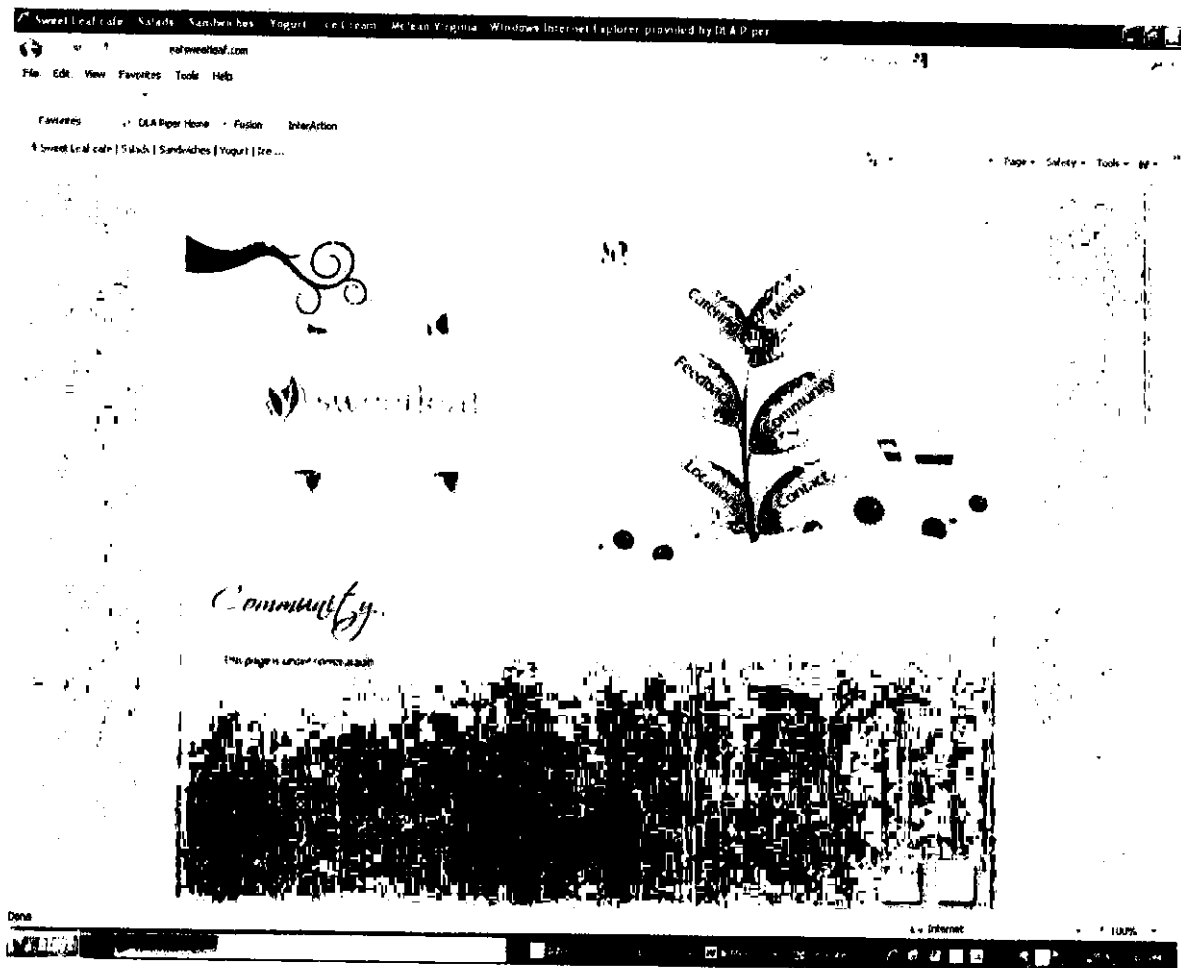
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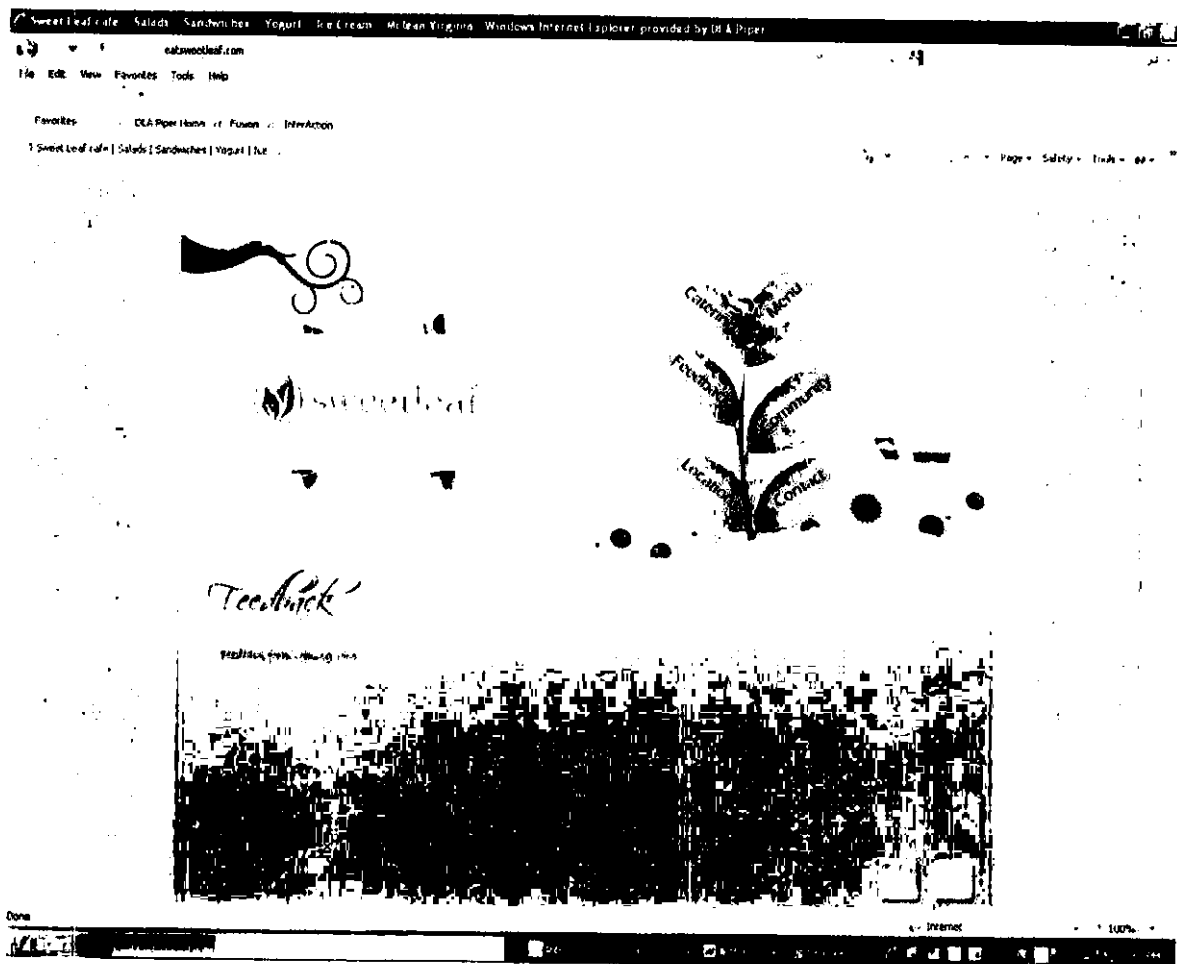
Screenshots taken from Website at Domain Name <eatsweetleaf.com> on May 5, 2011



Screenshots taken from Website at Domain Name <eatsweetleaf.com> on May 5, 2011



Screenshots taken from Website at Domain Name <catsweetleaf.com> on May 5, 2011



## **EXHIBIT K**

[menu](#)[location](#)[contact](#)

sweetleaf

hot

*fresh*

Sweetleaf a community café opened June 1, 2009 and was brought to McLean by the Matini family. But long before Sweetleaf the Matini family had already been serving the McLean Community through their first location Sweetstuff. The Matini family first opened Sweetstuff in 1994, on the corner of Spring Hill Road and Old Dominion Drive in McLean Va. Sweetstuff was known for its gourmet sandwiches, fresh salads, homemade soups, baked goods, coffee and French pastries.



At the time Andre was in high school and Arita was in elementary, they both helped out on the weekends as much as they could. When Andre and Arita Matini graduated college they insisted on opening up their own location. They felt that so many deli's and cafes hadn't changed with the times and were becoming outdated. Andre came up with a business concept and Arita came up with the interior design.

Sweetleaf uses the same menu that Sweetstuff used, except for some subtle changes. Instead of cold sandwiches Andre insisted on hot sandwiches and instead of premade salads Arita insisted on making the salads as they are ordered. So came the slogan "Guys like it hot, Girls like it fresh" Both siblings agreed to cut out the French pastries and to add cupcakes and baked sweets; instead of soft serve vanilla yogurt they agreed on original tart flavored yogurt, topped with fresh fruit instead of your typical hot fudge and caramel toppings.

The final result was just as anticipated, a modern café where both guys and girls could get a healthy meal, at an affordable price.

about

location

contact

sweetleaf



hot

*fresh*

Download the Menu >



## Sandwiches

The British - Roast Top Round of Beef, Swiss Chees	\$6.00	Signature Leaves (*Made by Us*) Berry Leaf - Strawberries, Almonds, Cranberry, Cucumber, Green Leafs, Strawberry Balsamic Vinaigrette	\$6.00
Le Club - Smoked Turkey, Swiss Chees, Crispy Bacon	\$6.00	California Cobb- Avocado, Hard Boiled Eggs, Bacon, Tomatoes, Green Leafs, Blue Cheese	\$6.00
The Italian - Ham, Salmi, Mortadella, Prochoto, Provolone Cheese, Prosslutto	\$6.00	Asian Chicken Salad - Crisp Wontons, Mandarin Oranges, Almonds, Sprouts, Sesame Seeds, Cilantro, Green Leafs, Chinese Plum Dressing	\$6.00
The New Englander- Smoked Ham, Swiss Cheese	\$6.00	Positano- Hearts of Palm, Sun Dried Tomatoes, Artichoke, Olives, Green Leafs, Fresh Mozzarella, Positano Dressing	\$6.00
Koo Koo Roo - Grilled Chicken Breast, Provolone Cheese	\$6.00	Santa Fe - Tortilla Chips, Corn, Cilantro, Avocado, Black Beans, Sour Cream, Cheddar Cheese, Tomatoes, Green Leafs, Salsa Dressing	\$6.00
Fresh Stack - Swiss Cheese, Lettuce, Tomato, Green Pepper, Red Onion, Alfalfa Sprouts, Guacamole	\$6.00	(*Made By You*) Sweet Leaf	\$6.00
Lady Bird - Egg Salad	\$6.00	Pick Your Leafs Add up to 3 veggies Add 1 crunch	

## **EXHIBIT L**

me

menu

sustainability

story

location

log

location

green



green

### Georgetown - M Street

1532 15th NW, Washington, DC

(202) 331-9232

Mon-Fri 10am-7pm

Sat-Sun 10am-6pm

### Dupont Circle - Connecticut Avenue

1210 Connecticut Ave., Washington, DC 20036

(202) 331-9232 NOW OPEN

Mon-Fri 10am-7pm

### Bethesda - Bethesda Avenue

4400 Bethesda Ave., Bethesda, MD 20814

(301) 331-9232 NOW OPEN

Mon-Fri 10am-7pm



comment





story

green



the green



At Sweetgreen, we're committed to creating a sustainable future for our community. Our focus is on using locally sourced, organic ingredients to create delicious, healthy meals. We're also committed to reducing our carbon footprint and supporting local farmers and producers. This is how we're making a difference in the world.

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menu

green



chef-

salads

the bowl

several bowls of grain, mixed greens, and a variety of vegetables, including tomatoes, cucumbers, and bell peppers.

le parisien

chicken, goat cheese, and a variety of vegetables, including tomatoes, cucumbers, and bell peppers.

curry goat

curry goat, mixed greens, and a variety of vegetables, including tomatoes, cucumbers, and bell peppers.

chic g

chicken, goat cheese, and a variety of vegetables, including tomatoes, cucumbers, and bell peppers.

guacamole greens

guacamole, mixed greens, and a variety of vegetables, including tomatoes, cucumbers, and bell peppers.

la scala

chicken, goat cheese, and a variety of vegetables, including tomatoes, cucumbers, and bell peppers.

acts





sustainability

green 

green ability

One of green's core values is to be as environmentally friendly as possible. We're committed to sourcing local, seasonal ingredients and using sustainable practices. We're also committed to being a responsible corporate citizen. green is a company that's committed to being a good neighbor.

green's local, seasonal, and organic ingredients.

green's commitment to sustainability is reflected in our sourcing practices. We're committed to being a responsible corporate citizen. green is a company that's committed to being a good neighbor.



Green Restaurant  
Certified  
Green Restaurant  
Green Restaurant

Clean  Currents  
Green Energy Solutions

green  
Green Restaurant  
Green Restaurant  
Green Restaurant  
Green Restaurant





sustainability

green



green ability

Direct green growth is a major factor in the economic recovery and the creation of new jobs. As the macroeconomy recovers, the benefits of the green economy will be felt in the production of goods and services. The green economy is a key to the economic recovery and the creation of new jobs.



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Green Restaurant  
Certified  
Green Restaurant  
Certified

Clean  Currents  
Green Energy Solutions

Green  
Energy Solutions  
Green Energy Solutions  
Green Energy Solutions

home

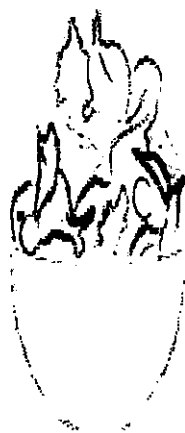
menu

sustainability

story

location

blog



salad



yogurt



sweetgreen

Did you know that nearly all of our packaging is made by 100%?

Our silverware and cups are made from corn

and if you plant our menus in the ground

they'll sprout into wildflowers!

menu

sustainability

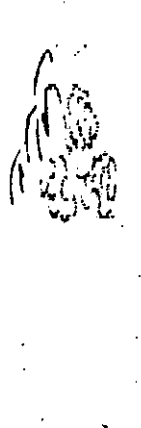
story

location

open



salad



yogurt



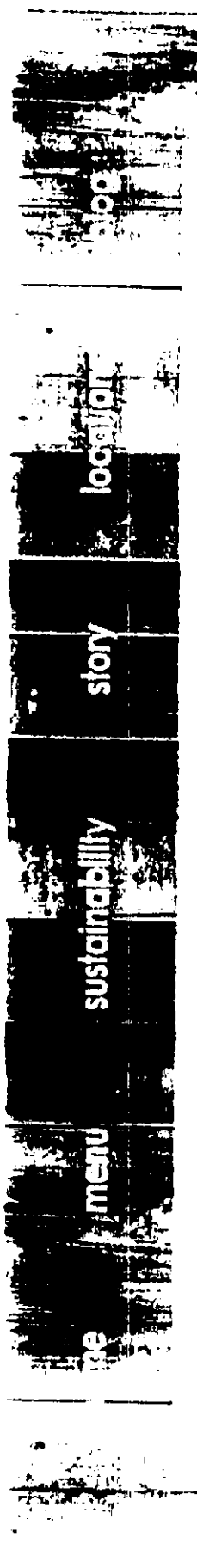
sweetgreen

Did you know? Most of our packaging is biodegradable!

Our silverware and cups are made from corn.

And our cardboard menus lie flat on the ground.

They'll get into the bioflow!



home

menu

sweetgreen

Did you know that nearly all of our packaging is biodegradable?  
Our silverware and cups are made from corn,  
and if you plant our menus in the ground,  
they'll sprout into wildflowers!



home

menu

sustainability

story

locations

blog



salad

+



yogurt

=



sweetgreen

Did you know that nearly all of our packaging is biodegradable?  
Our silverware and cups are made from corn,  
and if you plant our menus in the ground,  
they'll grow into vegetables!

## **EXHIBIT M**

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2011-05-05 12:27:40 ET**

**Serial Number: 85254636 Assignment Information      Trademark Document Retrieval**

**Registration Number: (NOT AVAILABLE)**

**Mark**

**SWEETLEAF**

**(words only): SWEETLEAF**

**Standard Character claim: Yes**

**Current Status:** New application will be assigned to an examining attorney approximately 3 months after filing date.

**Date of Status:** 2011-03-04

**Filing Date:** 2011-03-01

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** (NOT AVAILABLE)

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 042 -New Application Processing

**Date In Location:** 2011-03-04

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

**1. SWEET LEAF, INC.**

**Address:**

SWEET LEAF, INC.  
1359 Chain Bridge Road  
McLean, VA 22101  
United States  
**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** Virginia

### **GOODS AND/OR SERVICES**

**International Class:** 043  
**Class Status:** Active  
Restaurant Services  
**Basis:** 1(a)  
**First Use Date:** 2009-04-00  
**First Use in Commerce Date:** 2009-04-00

### **ADDITIONAL INFORMATION**

(NOT AVAILABLE)

### **MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

### **PROSECUTION HISTORY**

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2011-03-04 - New Application Office Supplied Data Entered In Tram

2011-03-04 - New Application Entered In Tram

### **ATTORNEY/CORRESPONDENT INFORMATION**

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# SWEETLEAF

<b>Word Mark</b>	SWEETLEAF
<b>Goods and Services</b>	IC 043. US 100 101. G & S: Restaurant Services. FIRST USE: 20090400. FIRST USE IN COMMERCE: 20090400
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85254636
<b>Filing Date</b>	March 1, 2011
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Owner</b>	(APPLICANT) SWEET LEAF, INC. CORPORATION VIRGINIA 1359 Chain Bridge Road McLean VIRGINIA 22101
<b>Attorney of Record</b>	John S. Hale
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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